

TEXAS:

THE

RISE, PROGRESS, AND PROSPECTS

OF THE

REPUBLIC OF TEXAS.

IN TWO VOLUMES.

BY

WILLIAM KENNEDY, Esq.

"Texas is one of the finest countries in the world; and yet the Europeans, eager as they have been to make conquests in America, have seemed, almost to the present day, ignorant of its existence."

History of Louisiana, by M. de Marbois, Peer of France, First President of the Court of Accounts, under Napoleon and Louis XVIII.

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REPUBLIC OF TEXAS.

BOOK II.

THE HISTORY OF TEXAS, FROM THE PERIOD OF THE FIRST EUROPEAN SETTLEMENTS TO THE ESTABLISHMENT OF THE REPUBLIC.

"What have we ever known like the colonial vassalage of these States?—When did we or our ancestors feel, like them, the weight of a political despotism that presses men to the earth, or of that religious intolerance which would shut up heaven to all but the bigoted? WE HAVE SPRUNG FROM ANOTHER STOCK—WE BELONG TO ANOTHER RACE. We have known nothing—we have felt nothing—of the political despotism of Spain, nor of the heat of her fires of intolerance."

WEBSTER'S *Speech on the Panama Mission, delivered in the United States Congress, April* 14, 1826.

CHAPTER VI.

Spanish and Mexican estimate of the Value of Waste Lands—Increasing Value of Texas from Anglo-American Colonization—Military rule in Texas—Violation of Constitutional Rights and Rising of the Colonists—Defeat of Ugartechea and Piedras, and flight of Colonel Bradburn—Plan of Vera Cruz—Expulsion of the Garrisons and defensive statements of the Colonists—Convention at San Felipe—Petition for separating Texas from Coahuila—Grievances of the Texans—Stephen Austin's Mission—Commotions in Mexico—Reception of Austin by the General Government—His Advice to the Colonists, and its Consequences.

THE colonization laws of Mexico invited foreign settlers, and guaranteed the security of their persons and property; the avowed object of the government being to control the Indians and create a productive frontier population. Although the adoption of a regular system of land sales had been recommended to the Mexican Congress by the Executive in 1823, colonization was chiefly carried on by the plan of contract, and large tracts of land were granted gratuitously, independent Mexico attaching as little substantial value as old Spain to its waste lands. Edmund Keene, the first Empresario for Texas, was appointed under the Spanish government, with a grant of 21,000 square leagues of the choicest territory.* Robert Owen has recorded the fact, that

* "Argument and Observations on the Empresario Contracts of Texas, by John Woodward, New York, 1837."

he visited Mexico in the well-founded hope of obtaining from the philosophic munificence of the republican authorities the cession of Texas, for the development of his new organization of society. In short, until Anglo-American enterprise and industry had imparted marketable value to the luxuriant wilderness, Texas was valueless and useless to its nominal possessors, who had ceased to incur even the expense of maintaining the old military posts. Indeed, to the great majority of the Mexicans, the country was known only by its evil reputation, as the haunt of irreclaimable savages.

In less than ten years, flourishing settlements had been formed, from the Sabine to the Colorado. The inhabitants, far removed from the theatre of the civil commotions which had never ceased to disturb and depress Mexico from the year of its liberation, were occupied in raising agricultural produce, rearing cattle, and devising schemes of practical improvement. Emigration from the United States, although checked by the decree of the 6th of April, 1830, had increased the number of colonists to about 20,000; of whom a large proportion were in the prime of vigorous manhood. Mexican cupidity was awakened by their prosperous progress. Their disinclination to pay the factious soldiery of the interior, and their heretical leanings, had embittered against them the two predominant classes of the nation; their opposition to what they considered oppressive and insulting custom-house regulations, and their stubborn independence, had irritated and alarmed a vain and vacillating government. In violation of constitutional guarantees, it was deter-

mined to rule the Anglo-Americans (of all people the most jealous of military interference in their internal affairs) by the power of the sword.

Military posts were established in the various settled districts and trading points,—at Nacogdoches, Bexar, Goliad, Anahuac, Galveston, Velasco, Fort Teran, Victoria, and Tenoxtitlan. About 1300 Mexican soldiers were distributed at the different stations. These troops were of the very worst description—composed of convicts and inferior castes, whose domineering habits, acquired under the military oligarchy which preyed upon the interior, rendered them utterly unfit to mingle with law-respecting men. The civil authorities of Texas, subordinate to the Governor and Legislature of the State of Coahuila and Texas, were the Political Chiefs, and the Ayuntamientos of the three jurisdictions—Bexar, the Brazos, and Nacogdoches. Each Political Chief presided over the *Cabildo*, or municipal council, held in the capital of his district, and was officially bound to enforce the general laws of the State within the limits of his command. Bexar, being especially a Mexican department and the most extensive of the three, had the honour of giving a Political Chief to *all* Texas.

The first collision between the colonists and the military occurred at Anahuac, a post under the superintendence of Colonel Bradburn, in the autumn of 1830. The commandant, an American who had served in the Mexican revolutionary war, countenanced and encouraged by the general government, committed many violent and arbitrary acts. By order of the Commandant-general, Teran, he

arrested, in 1831, Don Francisco Madero, while engaged in executing his commission from the Governor of Coahuila and Texas, authorising him to put the settlers on the Trinity river in possession of their lands. The Commissioner and his surveyor, Jose Maria Carbajal, were taken by Bradburn's soldiers, and imprisoned at Anahuac. The arrest was made under the plea that the Commissioner was acting in contravention of the Eleventh Article of the Law of the 6th of April, 1830; but its gross illegality was manifest, and was emphatically condemned by the Governor of the State.*

The next attack upon the rights of the Texans was the subversion of the Ayuntamiento, legally organised for the settlement of Liberty on the Trinity river. Not content with formally abolishing this municipality by a laconic military order, and preventing the elections by force, Colonel Bradburn chose to establish another at Anahuac, without either the sanction or the knowledge of the State government. This garrison corporation claimed an extraordinary share of civil prerogative; and the commandant, its head, assuming the appropriation of extensive sections of land in the character of empresario, distributed grants by virtue of the law of the strong arm, in contempt of the law of the State. Yet the principal officers of

* In the message of the Governor to the legislature of the State of Coahuila and Texas, at the opening of the session in 1832, after noticing the illegal conduct of Bradburn, in arresting the Commissioner Madero, His Excellency observed—" This matter is in such a situation that, to remove the obstacles, it would be necessary to adopt measures that might compromise the State in the highest degree."

this very Ayuntamiento were threatened with military arrest, and obliged to fly to Austin's colony.

Emboldened by the impunity which attended his violent and unconstitutional proceedings, Bradburn ventured to infringe the personal liberties of the settlers. Some of the soldiers who were employed in cutting timber, having assaulted a respectable citizen, several of his neighbours waited on the commandant to demand punishment of the offenders. Their appeal being disregarded, they resolved to intercept the aggressors and inflict summary chastisement themselves. Intimation of their intention was conveyed to Bradburn, who had them suddenly arrested and imprisoned in the fort. About the same time, William Barrett Travis, whose name was afterwards distinguished in Texan history, was also confined at Anahuac, on suspicion of being the author of a threatening letter to the commandant. Alarm and indignation at these lawless proceedings spread among the colonists, who assembling at Anahuac to the amount of about 150 men, headed by John Austin,* respectfully applied for the release of the prisoners. Receiving a refusal, they

* John Austin was a native of Connecticut in New England, but unconnected with the family of Stephen Austin. Being of an adventurous spirit, he wandered, while yet a boy, from a quiet and religious home, and went "before the mast." One of his voyages brought him to a Mexican port, from which his curiosity led him to the capital, where he became acquainted [illegible]e-phen Austin, then engaged in the final negotiations res[illegible]s first colony, and accompanied him to Texas. "He[illegible]ys Mrs. Holley, "Great strength of character, was forem[illegible]very important crisis, and ready at every post of danger."

threatened to reduce the garrison; whereupon the commandant, ordering the prisoners to be pinioned to the ground, declared that the first shot fired by the colonists should be the signal of their fate. Travis, hearing this, called on his friends to fire away, and not regard his life, as he would rather die a thousand deaths than permit the oppressor to remain unpunished. In reply to Bradburn's menace, the colonists vowed that if he dared to execute it, the crime and its retribution should be written on the walls of the fort in his best blood. A few shots were fired, but, before a regular attack was commenced, terms of adjustment were proposed and accepted, by which the commandant agreed to the immediate release of the prisoners, on condition that the colonists should previously retire six miles from the fort. No sooner had the latter withdrawn than, availing himself of the opportunity of procuring some military stores deposited in another part of the village, Bradburn retracted his agreement, and bade defiance to the colonists, who forthwith seriously resolved to attempt the reduction of the garrison. Leaving his force under the command of W. C. Hall, John Austin proceeded in quest of artillery to Velasco. Ugartechea, the officer in command at that place, having opposed the shipment of the cannon, Austin determined on taking it by land. Fearing, however, that, in his absence, Ugartechea m[illegible]arass the colonists on the Brazos, he asked a[illegible]ation of his intentions, and was informed th[illegible] a subordinate to Colonel Bradburn, he would obey his orders, should they direct him to

attack the settlement at Brazoria. Under these circumstances, Austin decided on dislodging Ugartechea before he joined his friends before Anahuac.

On the morning of the 26th of June, 1832, while it was yet dark, 112 Texans, commanded by John Austin, began the attack on the Mexican garrison of Velasco, directed in their fire by the flash of the guns from the fort. Until day dawned, they fought at great disadvantage, and suffered considerably, not only from small arms, but from a gun mounted on a swivel upon a bastion; their opponents sustained comparatively little injury. With the return of light, the skill of the Texan marksmen operated with deadly effect. Every Mexican who showed his head above the walls of the fort was shot; the cannon was repeatedly cleared; and the hands that successively held the lighted match were shattered by the rifle, with the precision of expert pistol practice, until, at last, Ugartechea, unable to man the bastion with his terrified mercenaries, ascended it himself, and directed the gun. Respecting him as a man, and admiring his gallant bearing as a soldier, the Texans, although they might have despatched a bullet through either eye of the commandant, abstained from firing, and the fort was surrendered; terms of capitulation being duly subscribed, and the Mexicans received and treated with kindness. In this affair eleven Texans were killed, and fifty-two wounded, twelve of them mortally. Of the 125 Mexicans who formed the garrison, about one-half were killed, and seventeen lost their hands by the fearful drilling of the rifle.

After the fall of Velasco, Austin conveyed the

cannon to the force assembled at Turtle Bayou for the siege of Anahuac; but, on arriving there, he learned that the object of the colonists had been accomplished. It appeared that Bradburn had conveyed intelligence of his situation to Colonel Piedras, commandant of the Eastern frontier, at Nacogdoches, and requested him to repair to Anahuac with reinforcements. Piedras started with a considerable force; but, intercepted by the colonists posted at Turtle Bayou, who were now 300 strong, he was obliged to capitulate without a contest. In consideration of being permitted to return unmolested to Nacogdoches, he engaged, as the superior in command, to release the prisoners at Anahuac, and to bring Bradburn to trial. The latter escaped from the fort, and fled to New Orleans.

Thus far the colonists had proceeded triumphantly in resistance to military oppression, but subsequent reflection brought with it apprehensions of evil consequences from their temerity in taking arms against the Federal troops. For the purpose of depriving their acts of the rebellious aspect which they were certain to assume in the eyes of the Mexican authorities, they adopted a series of resolutions, setting forth that, in expelling Bradburn and Ugartechea, they were influenced chiefly by zeal for the Plan of Vera Cruz, proclaimed by Santa Anna in the beginning of the year 1832.

The agitation of this Plan, which was a movement on popular and constitutional grounds against Bustamente and his arbitrary encroachments, commenced with the garrison of Vera Cruz, and extended over the whole interior of Mexico Pedraza,

who had been ejected from the Presidential chair and banished, was recalled. After a struggle of nearly a year, attended by the usual proportion of anarchy and bloodshed, Bustamente, depressed by defeat and the death of his favourite general Teran, the enemy of the Texan colonists, proposed an armistice to Santa Anna, which terminated in an arrangement between them, whereby it was agreed that Pedraza should be received as the constitutional President, by virtue of the election of 1828, and that the armies of both parties should unite in support of the Federal Constitution in its original purity. The Mexican Congress refused its assent to this treaty; upon which the rival chiefs entered into a fresh compact to enforce its stipulations, without regard to the opposition of the legislative body. Pedraza was installed as President on the 26th of December, 1832, and, after serving the small remainder of his constitutional term, which expired on the 1st of April, 1833, he was succeeded by Santa Anna, with Gomez Farias as Vice-President, the first that had been chosen from civil life. Entering the capital on the 15th of May, the new President assumed the duties of his office. The Federal system, which had been outraged by the usurpations of the Centralist leader, Bustamente, was again recognised, and apparently re-established, under the new administration.

During the progress of these events, intelligence of the rising in Texas had been communicated to Santa Anna, who believing that the object of the Anglo-Americans was separation from Mexico, despatched against them Colonel Mexia, who sailed

from the Barra Santiago, at the mouth of the Rio Grande, on the 14th of July, with five vessels, and a force of 400 men. Stephen Austin, then a representative from Texas in the State Legislature, embarked with Mexia, and on the 16th the fleet anchored off the entrance of the Brazos. An official letter was addressed by Mexia to the second Alcalde of the second department of Austin's colony (John Austin), who, in reply, detailed the late events in Texas, and the motives of the colonists in appealing to arms.

"We are farmers, and not soldiers," said Austin; "therefore desire that the military commandants shall not interfere with us at all. Since 1830, we have been pretty much governed militarily, and in such a despotic manner that we were finally driven to arms, to resist within their limits the military subalterns of the general government. We have not insulted the flag of our adopted country, as had been surmised from our first movements; but, on the contrary, we have sustained its true dignity, and attacked those who have outraged it, by using it as a pretext for their encroachments upon the Constitution and Sovereignty of the State of Coahuila and Texas, and as a cover for their baseness and personal crimes.

"The commandant of Fort Velasco acted under the orders of the commandant of Anahuac, Colonel Juan Davis Bradburn. An investigation of the conduct of that officer will inform you fully of the details of many despotic and arbitrary acts. He was sustained by the commandant of Nacogdoches, Colonel Piedras, and by that of Fort Velasco, Lieu-

tenant Colonel Ugartechea, and, consequently, we were *compelled* to oppose them all.

"Therefore we attacked Fort Velasco on the 26th of last month, with 112 farmers, hastily collected, without discipline, and badly armed; and, after an obstinate and bloody engagement of eleven hours, it surrendered, on the terms expressed in the enclosed copy of the capitulation—every article of which has been strictly complied with on our part, besides furnishing the provisions needed for the troops."

Representatives from the different Ayuntamientos were convened at San Felipe, by whom the causes of the disturbances were fully investigated, and a formal explanatory statement drawn up and presented to Mexia, to be by him transmitted to General Santa Anna. This statement, after reciting the arbitrary measures of Colonel Bradburn, expressed the earnest desire of the colonists that the government should be restored to its constitutional basis, according to the principles of the Federal republican party headed by Santa Anna; and conveyed their declaration that their only aim was to sustain the Constitution and the laws, which the military had violated. Professing to be satisfied with the explanations and assurances offered by the Texans, Mexia sailed with his fleet to Matamoras, taking with him, as a re-inforcement to the army of Santa Anna, the garrison of the dismantled fort at Velasco, and such other Mexican troops as were disposed to act against Bustamente. Piedras, the commandant at Nacogdoches, declined Mexia's invitation to join the "Liberating Army" in Mexico,

which afforded the inhabitants of that place a pretext for expelling him. Declaring in favour of the Vera Cruz Plan, the Nacogdoches settlers attacked the garrison in their "*quartel*," and after protracted skirmishing, in which three Texans were killed and seven wounded, and eighteen Mexicans killed and twenty-two wounded, the latter evacuated their quarters during the night, and retreated towards the river Angelina. Pursued by a party of twenty mounted men, who killed two of their number and wounded several, their leader, Piedras, proposed a temporary cessation of hostilities; as it was late in the evening, he was allowed to occupy the house of an Anglo-American without molestation from the Texans. The next morning, the Mexicans, terrified by a deceptive report of the approach of a large hostile force, surrendered at discretion, and, after being disarmed, were permitted to continue their route to San Antonio de Bexar. Other garrisons withdrew into the interior about the same time. The citizens of Bexar and the governor of the State openly declared for the Plan of Vera Cruz; political unanimity generally prevailed, and, in August, 1832, Texas was free from military domination and internal strife.

The Texan colonists were exposed to severe trials at the close of this year. Hardly had they been relieved from the aggressions of the Mexican soldiery, when they were threatened with a formidable irruption of frontier Indians. Against these savages their own moral and physical resources constituted the sole means of defence, with the exception of less than seventy soldiers, maintained by the citizens of Bexar.

The Bustamente administration, pressed by Santa Anna and the Constitutionalists, was unable to spare either money or men from the exigencies of civil war. The calamities of the settlers were farther increased by the ravages of the cholera, which swept off many valuable members of the struggling community. Among the victims of this terrible disease was John Austin, with his aged father, who had travelled from his distant home to witness the prosperity of his fugitive son.

A strong conviction was now impressed upon many of the Anglo-Americans, that without the possession of full and independent powers of local administration, their social progress must be grievously retarded, and their rights exposed to constant invasion from contending factions and their ambitious chiefs. Under this persuasion, a Convention of the people was summoned to meet at San Felipe de Austin, where it assembled in October, 1832, for the purpose of framing a memorial to the Supreme Government, for the repeal of the invidious law of the 6th of April, 1830, and for the separation of Texas from Coahuila.

It was barely possible that, by conferring an independent State Legislature upon Texas, the Mexican government might have retained it as a member of the National Federation, but it must have been perfectly obvious to all who had an accurate idea of Anglo-American character and training, that, with the growing power of the colonists, would arise an irrepressible impatience of the loose and anarchical rule which Mexico inherited from her European parent. The local administration was

to the last degree imperfect and inefficient. The laws which affected life and liberty, and regulated the civil relations of the settlers, were published in the Spanish language and dispersed in cumbrous compilations in remote districts. The capital of the Federation was distant 1200 miles from their southern frontier—the capital of the State of Coahuila and Texas, about 500. In the latter were the principal public officers, and courts of appeal from the local authorities, and to obtain a hearing was an affair of great difficulty—sometimes not accomplished until after a delay of years. Public education had been neglected, the narrow and meagre plans recommended by the legislature of Coahuila and Texas having remained unexecuted. By a decree of the 13th of May 1829, it was resolved, that a school of "mutual instruction, on the Lancasterian plan" should be established in each department of the State, to consist of 150 pupils each, who were to be instructed in "reading, writing, arithmetic, the principles of the Catholic religion, and all Ackerman's catechisms of the arts and sciences." Another decree, dated the 13th of April, 1830, empowered the executive to establish six primary schools, until those on the Lancasterian system, mentioned in the preceding decree, could be organised.

Public spirit and funds were wanting to enforce these petty enactments, as well as others of a more aspiring character. The Texan representatives formed a powerless minority in the State Legislature, most of whose laws betrayed a Mexican origin. Notwithstanding various notable devices for

raising a revenue, such as the leasing of the "cock-pit location of the whole State" for five years, levying a tax on billiard tables "of twenty-four dollars per annum, to be paid in three equal instalments in advance," and an impost of two per cent. on the circulation of money, "the collection to be made in each town at the time of removal of any amount of money, whether the same be destined to a place within or without the State,"* with pecuniary penalties for larceny and official malversation, cigar and other monopolies, &c.,—the treasury of Coahuila and Texas was so deficient in funds to meet "the most urgent expenses," that a decree was passed suspending the office of Government Councillor until the State should be able to defray the expense thereof, and limiting the payment of the Vice-Governor to occasions when he might be called upon, by extraordinary circumstances, such as sickness and death, to discharge the duties of Governor. For the same cause, the department or district Chiefs were suspended from the exercise of their functions, with the exception of the Supreme Political Chief of Texas. A decree of the 2nd of April, 1829, attributed the declining state of the internal trade in a great measure to "the influx of foreigners into the markets," and prohibited merchants belonging to nations that "had not ratified treaties with Mexico" from selling goods by retail. This wise enactment gave place to another, on the 13th of May, 1829, which prohibited "foreign merchants of whatever nation, not naturalised in

* *Decreto* 3, *dado en el Saltillo, á* 31 *de Julio de* 1827.

the Republic of Mexico, from retailing goods in any town in the State, they being permitted to sell only by wholesale, for cash or on credit." The same law forbade the introduction and sale by foreigners, or natives, of coarse cotton and woollen stuffs not manufactured in the Republic. There being few merchants of capital in Mexico, the rule of the native traders was to fix a price on all foreign goods, and neither buy nor sell at any other. This combination compelling certain foreign merchants to retail their own goods—a plan which they found very successful—the Mexican legislators interfered, and deprived them of the privilege.

From the clog of a government with views so puerile and intolerant it was natural that the Anglo-Texans should yearn to be liberated, which they hoped to be by obtaining a separate State government, according to the guarantee of the Constitutional act of the Constituent Congress of Mexico, of the 7th of May, 1824. The subject was fully discussed by the Convention of October, 1832, at San Felipe, which adjourned after a week spent in deliberation. In consequence, however, of the suddenness with which the Convention had been convoked and the non-attendance of a number of the delegates, the proceedings did not afford general satisfaction. A second Convention was, therefore, assembled, at the same place, on the 1st of April, 1833, specially empowered to frame a State Constitution, to be submitted to the National Government with a Memorial praying for the admission of Texas into the Mexican Union, in conformity with the terms of the Federal compact.

A Constitution for the State of Texas, as a distinct and independent member of the Mexican Federation, based upon enlightened principles and securing the right of Trial by Jury and the privilege of *Habeas Corpus*, was framed and adopted, together with a petition to the General Government, declaratory of the injury sustained by Texas in her connexion with Coahuila, and the considerations on which the petitioners deemed her entitled to the rank of a constitutional unity.

The petition commenced by expressing the wish of the inhabitants of Texas, met in General Convention, by means of delegates, for the separation of Texas from Coahuila, believing such separation indispensable to their mutual happiness and prosperity, and satisfied that it would ultimately be productive of the most happy results to the Mexican Republic.

"Our misfortunes," said the petitioners, "pervade the whole territory—operate on the whole population; and are as diversified in character as our public interests and necessities are various. Texas, at large, feels and deplores an utter destitution of the common benefits which have usually accrued from the worst system of internal government that the patience of mankind ever tolerated. She is virtually without a government—and if she be not precipitated into all the horrors of anarchy, it is only because there is a reclaiming spirit among the people which infuses a moral energy into the fragments of authority that exist among us. * * * We complain more of the *want* of *all* the important attributes of government than of the abuses of any.

"There are some impressive reasons why the peace and happiness of Texas demand a local government. Con-

stituting a remote frontier of the Republic, and bordering on a powerful nation, a portion of whose population in juxta-position with her is notoriously profligate and lawless, she requires, in a peculiar and complete sense, the vigorous application of such laws as are essential to the prevention of illicit commerce, to the security of the public revenues, and to the avoidance of serious collision with the authorities of the neighbouring Republic. That such a judicial administration is impracticable under the present arrangement, is too forcibly illustrated by the past to admit of any natural hope for the future.

"It is an acknowledged principle in the science of jurisprudence, that the prompt and certain infliction of mild and humane punishments is more efficacious for the prevention of crime, than a tardy and precarious administration of the most sanguinary penal code. Texas is virtually denied the benefit of this benevolent rule, by the locality and the character of her present Government. Crimes of the greatest atrocity may go unpunished, and hardened criminals triumph in their iniquity, because of the difficulties and delays which encumber her judicial system, and necessarily intervene between a trial and a conviction, and the sentence and the execution of the law. Our 'Supreme Tribunal of Justice' holds its sessions upwards of seven hundred miles distant from our central population; and that distance is greatly enlarged, and sometimes made impassable, by the casualties incident to a *mail* conducted by a single horseman, through a wilderness often infested by vagrant and murderous Indians. Before sentence can be pronounced by the local courts on persons charged with the most atrocious crimes, the copy of the process must be transmitted to an assessor, resident at Leona Vicario (Saltillo), who is too far removed from the scene of guilt to appreciate the importance of a speedy decision, and is too much estranged from our civil and domestic concerns, to feel the miseries that result from a total want of legal protection in person and property. But our difficulties do not terminate here: after the assessor shall have found leisure

to render his opinion, and final judgment is pronounced, it again becomes necessary to resort to the capital, to submit the tardy sentence to the Supreme Tribunal, for 'approbation, revocation, or modification,' before the judgment of the law can be executed. Here we have again to encounter the vexations and delays incident to all Governments, where those who exercise its most interesting functions are removed by distance from the people on whom they operate, and for whose benefit the social compact is created.

"These repeated delays, resulting from the remoteness of our courts of judicature, are pernicious in many respects: they involve heavy expenses, which in civil suits are excessively onerous to litigants, and give to the rich and influential such manifold advantages over the poor, as operate to an absolute exclusion of the latter from the remedial and protective benefits of the law. They offer seductive opportunities and incitements to bribery and corruption, and endanger the sacred purity of the judiciary, which, of all the branches of Government, is most intimately associated with the domestic and social happiness of man, and should therefore be, not only sound and pure, but unsuspected of the venal infection. They present insuperable difficulties to the exercise of the corrective right of recusation, and virtually nullify the constitutional power of impeachment. In criminal actions they are no less injurious. They are equivalent to a licence to iniquity, and exert a dangerous influence on the moral feelings at large. Before the tedious process of the law can be complied with, and the criminal, whose hands are, perhaps, imbrued in a brother's blood, be made to feel its retributive justice, the remembrance of his crime is partially effaced from the public mind; and the righteous arbitrament of the law, which, if promptly executed, would have received universal approbation and been a salutary warning to evil-doers, is impugned as vindictive and cruel. The popular feeling is changed from a just indignation of the crime, into an amiable, but mistaken sympathy for the criminal; and by

an easy and natural transition, is converted into disgust and disaffection towards the Government and its laws."

The petitioners further represented "that Coahuila and Texas were altogether dissimilar in soil, climate, and natural productions; that, owing to the numerical inequality of their respective representatives, the enactment of laws beneficial to Texas could only emanate from the 'generous courtesy' of her constitutional partner, and that legislative advantages to the one might, from incompatibility of interests, be ruinous to the other. Protection from Indian depredations, they declared to be of vital importance to Texas, which protection Coahuila was unable to render: the Indians in their immediate neighbourhood had been denied justice, which would be granted by independent Texas. Finally, Texas possessed the necessary elements for a State government, and for her attachment to the Federal Constitution and to the Republic, they pledged their lives and honours."

Among the various petitions to the general government, which accompanied the preceding, there was one complaining of the tariff, a frequent source of dissension between the settlers and the officers of the Federation. This petition represented that the duties on articles of necessity to the inhabitants, that were not, nor could be manufactured in Texas for years to come, were so high as to amount to a total prohibition, and many other articles of prime necessity were absolutely prohibited. The people of Texas being generally farmers, subsisting by agricultural labour, and destitute of manufacturing

establishments, they prayed the general government to grant them for three years the privilege of introducing, free of duty, certain articles indispensable to their comfort and advancement—among which were enumerated, provisions, iron and steel, machinery, farming utensils, tools of the various mechanic arts, hard-ware and hollow-ware, nails, waggons and carts, cotton-bagging and bale-rope, coarse cotton goods and clothing, shoes and hats, household and kitchen furniture, ammunition, medicines, books, and stationery. Many of these articles were either directly or indirectly prohibited. It was stated, in conclusion, that the trade of Texas was small, and the resources of the settlers limited, but, if fostered by a liberal policy on the part of the general government, the trade would in a few years yield a revenue of no little importance.

For the purpose of bringing the petitions under the serious consideration of the Federal Government, the Convention nominated three commissioners—Stephen Austin, Erasmo Seguin, (a respectable Mexican planter,) and James B. Miller. Ultimately, however, the danger and toil of the mission devolved solely upon Colonel Austin, who, although he, in common with the majority of the colonists, deprecated every approach to rash and precipitate measures, and was doubtful of the expediency of appealing, at that particular time, to the Supreme Government for admission into the Union, acceded to the legal and constitutional expression of the popular will. On the rise of the Convention, he left Texas in April for the city of Mexico, where he soon afterwards arrived, and found the spirit of faction

in as virulent activity as it had been ten years before, when he was a suitor for the confirmation of his contract of colonization.

On the 1st of June, little more than a fortnight after Santa Anna had formally entered upon the exercise of the Presidential duties, General Duran promulgated a plan, at San Augustin de las Cuevas, in favour of the church and the army, and calling the illustrious Santa Anna to the Supreme Dictatorship of the Mexican nation. Although there were the strongest grounds for believing that the versatile and ambitious President had secretly instigated this movement, he raised a large force, and appointing Arista, one of Bastamente's most devoted partisans, his second in command, left the capital with the professed intention of quelling the revolt, Lorenzo de Zavala, governor of Mexico, and a political associate and supporter of Santa Anna in federal principles, had in vain remonstrated against the appointment of Arista to such an important trust. The government troops had not proceeded far when Arista, changing his views, declared in favour of the Plan of Duran, and secured the President's person, simultaneously proclaiming him Dictator. News of the movement reached the military in the capital, who joined in the cry of "Santa Anna for Dictator!" but the Vice-President, Gomez Farias, distrusting Santa Anna, and convinced that the arrest was a voluntary trial of his popularity, to test the probability of succeeding in his ulterior aim of unconstitutional ascendancy, rallied the Federalists against the soldiery, and, aided by Zavala, frustrated the ingenious scheme of the

President and his allies. Affecting to make his escape, Santa Anna returned to the city, satisfied that the public mind was not yet prepared for the adoption of a Central Government. To reinstate himself in the confidence of the friends of the constitution, he determined to sacrifice the very persons he had suborned to rebellion. He raised accordingly another force, and joined by a division under General Mexia, pursued the insurgents, whom he compelled to surrender at Guanaxuato. Arista was pardoned and Duran banished, and the victorious President returned to the capital, where he was hailed by the populace as the champion of the Federal Constitution and the father of his country! Disappointed in this attempt, Santa Anna retired for a season to his estate, where he occupied himself in endeavours to effect by intrigue what he had failed to accomplish by a dexterous stroke of political strategy.

In the absence of the executive head, his authority devolved upon the Vice-President, Gomez Farias, who, entertaining a confirmed dislike of the priesthood and the military, commenced a system of retrenchment and reform by reducing the army. His views were followed out by the Congress, which passed several salutary laws for restraining the power of the clergy. In order to relieve the financial embarrassments of a country burdened with a heavy public debt, and unprovided with means for maintaining even its peace establishments, the Federal Legislature was about to appropriate a portion of the ecclesiastical revenues to the public use, when signs of revolutionary outbreaks appeared in various

quarters. Countenanced, probably, by Santa Anna, who had openly displayed his hostility to Farias and his policy, General Bravo commenced an insurrection in the south, and an attempt was made to seize the Vice-President in his house at Mexico. It was amidst this turmoil of antagonist parties that Austin sought to obtain the acquiescence of the General Government in the wishes of the Texan colonists, as expressed by their petitions.

In a despatch to the municipality of Bexar, dated the 14th of August, he intimated his expectation of a favourable result to his mission; still no definitive arrangement had been made. To use his own words, "Months had passed, and nothing was done with the petition, except to refer it to a Committee of Congress, where it slept, and was likely to sleep. I finally urged the just and constitutional claims of Texas to become a State, in the most pressing manner, as I believed it to be my duty to do; representing, also, the necessity and good policy of this measure, owing to the almost total want of local government of any kind—the absolute want of a judiciary—the evident impossibility of being governed any longer by Coahuila (for three-fourths of the Legislature were from thence), and the consequent anarchy and discontent that existed in Texas. It was my misfortune to offend the high authorities of the nation: my frank and honest exposition of the truth was construed into threats. At this time (September and October, 1833) a revolution was raging in many parts of the nation, and especially in the vicinity of the city of Mexico. I despaired of obtaining anything; and wrote to Texas, recom-

mending the people there to organise as a State, *de facto*, without waiting any longer. This letter may have been imprudent, as respects the injury it might do me personally; but how far it was criminal, or treasonable, considering the revolutionary condition of the whole nation, and the peculiar claims and necessities of Texas, impartial men must decide."

Austin had irritated the national pride of the Vice-President by plainly stating, what he knew must ultimately be the effect of rejecting the appeal of the colonists. The letter to which he alludes was addressed to the municipality of Bexar, from the city of Mexico, on the 2nd of October. He informed the municipal authorities that, after the 14th of August, the Congress had been deterred from meeting regularly by the cholera. The sudden civil war, of which it was difficult to foresee the result, had, moreover, paralysed public affairs; so that, up to the hour of writing, nothing had been, nor was likely to be done. "In such a state of things," he adds, "I strongly recommend that all the municipalities of Texas should come, without delay, to an understanding—organising a local government for Texas as a State of the Mexican Confederation, grounded on the law of the 7th of May, 1824. Things should be prepared with union and harmony, thus being ready for the time when the Congress will refuse their approval.

"This step," he remarks in conclusion, "is absolutely necessary as a preparatory measure; as we can no longer doubt that, if the inhabitants of Texas do not take matters into their own hands, that beautiful country is ruined for ever. I now recommend

the only course which we can pursue to save ourselves from anarchy and total destruction. Under such circumstances, I trust that you will lose no time in addressing a communication to every corporation of Texas, exhorting them to concur in the organization of a local government, independent of Coahuila, even should the Supreme Government of Mexico refuse its consent."

Having transmitted this letter to its destination, and having obtained through his friend Lorenzo de Zavala, the Governor of Mexico, the repeal of the whole of the eleventh article of the law of the 6th of July, 1830, by which "the citizens of foreign countries lying adjacent to the Mexican territories" were "prohibited from settling as colonists in the States or Territories of the Republic adjoining such countries," Colonel Austin quitted the capital and proceeded towards Texas. On the 10th of December he took leave of the Vice-President, to whom he had become personally reconciled. In the meantime, the letter of the 2nd of October had been received and discussed by the municipality of Bexar. Owing, perhaps, to the preponderance of Mexican influence in that corporation, the recommendations of the Commissioner were disapproved by the majority, and the communication itself forwarded to the federal authorities in the city of Mexico. Highly incensed by the discovery, the Vice-President despatched an express, with orders to the governors of the different States through which he was to pass, to secure Austin's person. He was arrested at Saltillo, 230 leagues from Mexico, taken back to that city, and imprisoned in the dungeons of the old Inquisi-

tion—shut out from the light of day, and not allowed to speak to or correspond with any one, nor to have books, pen, ink, or paper. Parties hostile to Austin and his object had inflamed the mind of the Vice-President against him, so that he had become his most violent and bitter enemy. Farias was an honest supporter of the Federal system ; but he was of a hard and unyielding temper, and was governed by the opinion that the enforcement of a modified system of terror was essential to the welfare of the country.

CHAPTER VII.

Settlement of Beales' and Grant's Concession on the Rio Grande in 1833-4—Departure of the Amos Wright schooner from New York and arrival in Aransas Bay—Unpropitious season—Mexican Coast Guard and Collector of Customs—Difficulty of Winter Travelling—Refugio and Goliad—Mexican Rancho—Bexar—Journey to the Rio Grande—Founding a Town—Departure of the Empresario—Fate of the Settlement—Superiority of Anglo-American Colonization.

In the history of a modern colony, every advance towards the formation of a new settlement has a claim to be recorded. Whether the attempt to colonise has been successful or unsuccessful, it seldom fails to supply useful instruction to future adventurers. Holding this opinion, and moreover desirous to exhibit the condition of a large and yet unsettled portion of the Republic of Texas, as it was under Mexican rule a few years ago, I pause in the narrative of general events, to relate the first operations of an association which made the earliest essay to establish a foreign colony in the district lying between the river Nueces and the Rio Grande.

Doctor John Charles Beales, whose name has been previously mentioned in this work, concluded with the State of Coahuila and Texas a contract for colonising a tract between those rivers, comprising three millions of acres. To this concession was added another of five millions of acres, farther

to the north. Doctor Beales, now in the practice of the medical profession in the city of New York, is an Englishman, a native of Aldborough in Suffolk, and was married in the city of Mexico, in the year 1830, to Doña Maria Dolores Soto,* a Mexican lady, the widow of Richard Exter, an English merchant, who, by virtue of an agreement with Stephen Julian Wilson, a naturalised citizen of the Mexican Republic, became a partner in certain Empresario contracts. Having in partnership with James Grant, a naturalised Mexican citizen, obtained Empresario rights for the settlement of 800 European families, Doctor Beales, still retaining his character of Empresario, with the approval of Mr. Grant, associated himself with a New York Company, formed of persons of respectability, who provided the requisite funds for procuring emigrants from Ireland, France, and Germany, and conveying them to the settlement. According to a manuscript journal transmitted by Dr. Beales to the Directors of the Rio Grande and Texas Land Company, with which I was favoured by the Company's secretary and legal adviser, Mr. Charles Edwards of New York, the first body of colonists—fifty-nine in number—embarked at New York for Aransas Bay, in Texas, in the schooner Amos Wright, on the 10th of November, 1833. To each emigrant the Empresario was to concede one *labor* of land and a house lot free of charge.

The vessel sailed on the 11th of November, a very injudicious period, as it exposed the emigrants to the discouragement and inconvenience of arriving in Texas at the most unfavourable season of the

year. On the 3rd of December land was descried in Matagorda Bay; on the 4th, at 9 o'clock A.M., land was made, 30 miles north of Aransaso inlet, and at 1 o'clock on the 6th, the schooner crossed the bar, with nine feet water, and came to anchor; the wind veering north-east and north-west. Head winds and strong tides delayed the vessel two days, but at 10 o'clock A.M. on the 8th they commenced warping up the bay. On the 9th it blew a very strong gale from the north, which prevented further progress: at 9 o'clock A.M. on the 10th they commenced warping up the channel, with light winds from the north. The wind becoming more favourable at noon, they proceeded as far as Live Oak Point, where they anchored. At 8 o'clock, A.M., on the 11th, they weighed anchor and steered for Copano, distant about six miles to the westward, when the vessel ran aground, and they were unable to anchor until about 2 o'clock, P.M. On account of the superior freshness of the language, I shall borrow from the journal itself those passages which tend to illustrate the character of the expedition, and the social and physical aspect of the country.

On the 11th of December, the master of the schooner (Mr. Munroe) went ashore, and brought off the captain of the Mexican coast-guard and all his force, consisting of a corporal and two soldiers.—"Had at supper the pleasure of the officer's company who went ashore at 7 o'clock, completely intoxicated. On coming aboard, the military wished to give us a salute, but, unfortunately, only one pistol would go off. We had the mortification of learning, first, that we could not clear the vessel

without going to Goliad (La Bahia), a village about 15 leagues distant; and secondly, that nothing could be done until the Collector of the Customs should pay us a visit, and it would be necessary to send an express to him. It was some comfort, however, that the captain of the coast-guard very coolly allowed us to disembark everything without the formality of either entering the vessel or receiving a custom-house officer."

Dec. 12th.—Went on shore to select a proper place for pitching our tents, which we arranged to have immediately on the shore, having an oyster-shell beach, and protected by a few bushes. At this time we had a plentiful supply of water in the ponds on the prairie, but it must be observed that, in the dry season, there is no water near this place, and it would be necessary to send a boat for it to Live Oak Point. There was a small half-finished frame-house on the beach, usually uninhabited, but occupied, when there was any vessel in the bay, by the captain of the coast-guard. A party set to work, clearing and levelling the ground, for the purpose of pitching the tents. This business was not completed for two or three days, and while the majority lived in the tents, a great many built small houses, so that our camp at the end of a week presented a very comfortable appearance. The business of disembarking went on very slowly, as the vessel could not approach within four hundred yards of the beach. At last we hit upon a plan which succeeded perfectly; we ran a waggon into the water as far as it could conveniently go, and loaded it from the boat; and then by the aid of long ropes hauled it ashore. This operation lasted five or six days: in the mean while, the people were divided into six watches, and went upon guard regularly, three hours each watch.

Dec. 15th.—To-day the much-expected Collector of the Customs, Don José Maria Cosio, made his appearance; and

as our vessel is the largest that has entered this port, he brought with him his wife and another lady, as well as an Indian. This visit rather deranged us, as, from the situation he held, he might give us a great deal of trouble, or the reverse: we therefore roused our cooks, and with some difficulty mustered a tolerable bill of fare, of which the "civilised" part of the expedition partook in the cabin of the schooner. Myself, being an old Mexican, was of course at home, but the rest of the party were rather surprised at observing that the ladies were not yet initiated into the art of cutting their own victuals; and still more so when they took out their cigars and speedily filled the cabin with smoke!—The Collector was an old officer of the army, who had travelled through all parts of the Republic, and possessed a great deal of information. I was highly amused, in my conversation with the Señora Administradora at the tone of contempt in which she spoke of "the poor, out-of-the-world, ignorant village of La Bahia. Indeed," she observed, "persons who had seen large cities could not live happily in such a banishment;" and then, with quite an air, assured me that she was herself "born and bred in Saltillo!"—The other lady, being a Badina, was of course struck dumb by the superior knowledge of the Saltillena. Fortunately, the afternoon at length passed, and our visitors were escorted on shore.

Dec. 17th.—The Collector and his family took their leave; the former having behaved in the most obliging manner, positively refusing to have a single article examined. This was indeed a favour, as, although we had nothing that was subject to duty or seizure, still an active examination would have caused us several days' hard work, in opening and closing our trunks, chests, &c. &c. Our little attentions were thus amply repaid. The Indian amused the people very much by his skill in shooting with the bow and arrow. I sent him out to shoot game, and he returned in a short time with a very fine deer, for which I paid him half a dollar.

Dec. 19th.—The two last days have been exceedingly

uncomfortable, blowing fresh from the northward, with heavy rain, so that we were unable to move out of our tents. A servant arrived from La Bahia, with six of my mules and one horse, these being all that remained out of fifteen left there to be taken care of.

Dec. 20th.—Mr. Power, Captain Munroe, and myself started on hired horses for La Bahia, but after proceeding about three leagues we came to the "Lake of the Mission," and found it so full of water that it was impossible to ford it. We therefore were obliged to turn back, and arrived at the tents a little after dark.

Dec. 21st.—The same party made a second start for La Bahia, in one of the heavy waggons drawn by the six mules, taking the horses also by way of precaution. On account of the difficulty experienced yesterday, we took the other road, and found it execrable, the water being up to the animals' knees nearly the whole of the way. With great difficulty we made about six miles, when we stopped at a small elevation which was dry and had a few bushes on it. We quickly kindled a fire, made a good supper, and then went to bed—Mr. Power and myself in the waggon, and the others on the "cold ground."

Dec. 22nd.—Made an early start, but after struggling through about two miles, the mules could no longer draw the waggon; we were therefore obliged to send them back, while Mr. Power, self, and my servant Marcelino, proceeded on horseback. At about 8 o'clock we arrived in La Bahia, and as I had a letter of introduction to Don Miguel Aldrete, the Alcalde, he was polite enough to give us the use of a small house during our stay, where, through the successful foraging of Marcelino, we contrived to be tolerably comfortable.

Dec. 23rd.—La Bahia, or Goliad, is a wretched village, situated on the right back of the San Antonio River, about 40 miles from the 'Copano.' It contains eight hundred souls. It is most beautifully placed, having the old ruined church of the Mission on a rising ground in front, and backed by woods on the opposite side of the river. This, with common industry, might be made a very pretty vil-

lage, as they have an abundance of soft limestone easily worked, and the soil is very fertile; but, from the negligence and idleness of the Mexican inhabitants, the streets are complete ravines. They have no gardens, and the houses are built partly of logs and partly of mud. The inhabitants are, almost without an exception, gamblers and smugglers, and gain their subsistence by those two occupations, and the more honourable one of carting the goods brought to the port by foreign vessels. For this purpose they nearly all possess very fine oxen, to purchase some of which was now my chief object.

We remained in this village several days, and found the Alcalde very polite and of considerable service to us. We succeeded in purchasing eleven yoke of oxen, at an average price of thirty-two dollars per yoke, and had a great deal of annoyance from the people driving the cattle out of the yard I had hired from them. Of course, as the animals were bought of various persons, they immediately distributed themselves all over the country, putting me to a great deal of expense and trouble to find them again. This trick was played me twice, although I took the additional precaution of hiring men to keep watch.

On Christmas-eve a grand ball was given by the young men of the place, to which we were invited in due form, and of course "*assisted*." The house only consisted of one room, unfortunately without windows. There was a very large attendance of ladies, and we had an ample opportunity of seeing all the "beauty and fashion" of La Bahia. One rather singular custom exists, which is, that when a country-dance, for instance, is called, the gentlemen do not at all concern themselves about partners, but those who wish to dance go and place themselves in their proper places, when the ladies rise and each one ranges herself in front of the gentleman with whom she chooses to dance. The heat being very oppressive, and no refreshment of any kind, we quickly retired.

Dec. 30th.—We took our departure from La Bahia, having hired two men to drive the cattle, and proceeded about twenty-eight miles to the Mission del Refugio. This

is one of the remains of the very numerous missionary establishments founded by the Spaniards for the civilisation and conversion of the Indians. Like all the rest, it is prettily situated, and, like them also, it has gone to ruin. The constant disturbances in this country, since the independence of Mexico, have prevented the government from taking the necessary precautions, or giving the necessary assistance to these establishments. The consequence has been that the savage tribes have, one after another, "spoiled" the temples, and driven off the horses and cattle. The "Fathers" have died, or retired to Spain; and the Missions have now become desolate. The present one was destroyed by the Comanches a few years since. There are at present five or six miserable huts, built and inhabited by as many Irish families, brought to this country by the Empresario Mr. Power, who could not properly locate them, in consequence of his disputes with respect to the boundaries of his lands. They obtained permission to remain where they are until Mr. Power could place them properly and give them their titles. They have, in consequence, been about five years in this situation, and as they imagined their sojourn would be temporary, they made no improvements, not even cultivating a bit of garden-ground! And now, in the true spirit of their countrymen of the same class, they do nothing but idle about, waiting for Mr. Power to make his appearance with their "titles." They have, however, several cattle, pigs, and fowls, and candidly acknowledge that they might speedily become independent if they would but exert themselves. We passed the night here, and on the morrow, *December 31st*, proceeded to the camp. Having to cross the Laguna on our route, we still found so much water in it that we were obliged to strip ourselves and swim our horses across. This, which would have been a formidable undertaking on this day, either in England or the United States, here was merely an object of amusement. About five o'clock we arrived at "home;"—strange as this word would seem thus applied, certainly a slight feeling of that kind was produced when we entered our tents, and were warmly

saluted by our comrades.—It being my turn to be on guard at midnight, I had the pleasure of ringing the bell at twelve o'clock, and congratulating the whole of the disturbed camp at the entry of a New Year.

At the close of the year, I cannot avoid returning sincere and humble thanks to Divine Providence for having protected us from all kinds of danger, and especially disease. Ever since we entered the Bay of Aransaso it has rained almost continually, with violent northers, so that the cold was intense; the water in the tents freezing nearly every night. The people I may say, almost literally, were completely wet through all the time; and yet, unaccustomed as they were to this kind of life, not a single case of illness occurred!

The year 1834 was ushered in by a "freezing norther," which detained Dr. Beales and his party at their encampment until the 3rd, when they made a progress of two miles from the beach. A farther detention having taken place on the 6th, the Empresario amused himself with grouse-shooting, and had excellent sport.

"The immense number of game on the prairie was astonishing, it appeared like a large preserve. We had in abundance, deer, geese, ducks, grouse, quail, curlews, rabbits, and a few hares."

On the 7th, the weather being "delightfully mild," they resumed their route—and on the 8th, after encountering much fatigue in getting the waggons through a flooded pass, they encamped on the west side of the Mission lake, pretty well protected by trees and bushes. On the 9th, they had much difficulty in extricating two of the waggons from the slough, the weather being again very cold. They

"took leave of this troublesome lake, not without some

admiration at the want of energy in the Mexicans, who are constantly exposed to this annoyance, when they might, by a week's work and a few shillings' expense, throw a very good bridge over the stream which supplies the lake, and which is not more than thirty feet across. Indeed we should have ourselves adopted this method, but it would have detained us at least a week, as the timber necessary for the purpose was at some distance."

From the 10th to the 12th, the party were detained by the illness of Mr. Power, one of their leading members. This gentleman was so much relieved on the 12th, that they were enabled to proceed by placing his bed in a pleasure waggon. They reached the encampment at the Mission, where fresh meat, milk, and eggs were obtained for the people. The weather, which had been bitter cold, changed to "a beautiful spring temperature." After halting to bring up fractured waggons and stragglers, the Empresario resumed his march, and arrived at La Bahia with his party at 12 o'clock on the 16th.

"It being a very fine day, I persuaded the Mexican carters to assist us in passing the San Antonio river, although their contracts were merely to La Bahia. After about four hours' hard work, all the train was safely encamped on the opposite bank of the river. The water was much deeper than usual in the pass where we entered the waggons, and a few yards on either side too deep for the animals to ford. I had obtained an important advantage in encamping where I was at present, as the people were in some degree separated from the town; and although they could, and constantly did, ford the river during our whole stay, still a great deal was accomplished. Our old friend, the Collector of the Customs, behaved very handsomely, again refusing to examine anything, and assisted

me materially in hiring carts, &c. Some of the foreigners in the town, the lowest class of the Americans, behaved exceedingly ill, endeavouring, by all the means in their power, to seduce away my families.—Finding they could not succeed, they changed their attack, by telling them the most dreadful stories of the Indians, and assuring them that we should most decidedly be killed and eaten. These representations were not without their effect, and forced me to be doubly wary, and even obliged me to relax a little in my discipline, lest any trifling thing should be made an excuse for open desertion.

Jan. 17th, 18th, and 19th.—Remained encamped in the same place, occupied in arrangements for proceeding on to Bexar, engaging carts in place of those who had here concluded their contracts, &c. We were unfortunate in the absence of D. Miguel Aldrete, who had undertaken to engage all the carts I might require. As he was absent on business, the owners wanted to raise the price, and threw fifty other obstacles in the way; but by perseverance and firmness these were all overcome and everything promised well for the morrow.

The persuasions, &c., of the blackguards I before mentioned, had the effect of making one of our party stay behind. I have been joined, however, by John Quinn, my old *mayordomo*, and a Mexican family, consisting of a man, his wife, and four children. On the Sunday evening (the 19th) the Collector's lady stood godmother to a young Caranchuhua Indian, who was baptized. She gave a grand ball upon the occasion, to which we were invited. Although not very much inclined to undergo this second infliction, we could not decently refuse.

Jan. 20th.—After several vexations, we began our march about 2 o'clock P.M., with a train of eighteen carts and waggons. After proceeding about five miles we encamped, by the road-side, in the midst of a very beautiful country. The weather then again changed to severe cold.

Jan. 21st.—In consequence of the severe weather, it was almost impossible to induce the Mexicans to start; and when we did so we were speedily compelled to encamp

again, which we did in a wood close by the side of the road.

Jan. 22nd and 23rd.—We could not move either of these days, owing to the inclemency of the weather; but early on the

24th we made a start, being obliged to leave two of the Mexican carts behind, which had lost their cattle. We proceeded in very good order, and encamped about thirteen miles from our starting-place, at a cluster of trees and some pools of water. The country we were now travelling through was very beautiful, and appeared fertile. The river St. Antonio ran a little way to the left of the road, with its banks thickly covered with fine timber.

Jan. 25th.—We were not able to move till about 10 o'clock, as several of the cattle had strayed to a great distance in the night. The weather appeared inclined to clear up, although it still rained a little; the roads, however, were better. We travelled about fourteen miles, and encamped on the banks of a very pretty brook, with steep banks, called "El Cleto." We saw here a great many remains of an Indian encampment. We were met by a regular American back-woodsman, who had come thus far from Bexar to meet us, for the purpose of engaging himself as a hunter to the party. I engaged him, upon condition that, if I liked his conduct as far as Bexar, he was to go all the way with us.

Jan. 26th.—We commenced crossing the stream about nine o'clock, and got all over without accident. We travelled to-day about ten miles, and, as it was a fine afternoon, encamped on a little plain, where we had a delightful prospect. The country is getting rather more hilly as we proceed. Our hunter shot two deer to-day.

Jan. 27th.—Our usual luck with the weather attended us; the flattering appearances of last night passed away, and about three o'clock A.M. a most violent norther arose, accompanied by snow and rain. As we were on a plain, we had no protection from the storm; in consequence, our tents were speedily wet through, and the cold was so intense that nearly all the people deserted the camp and ran

into the woods, where they made large fires, and sheltered themselves as well as possible. It was with the greatest difficulty I could keep even enough to sit the regular watch. [Wind N.W. Rain and snow. Thermometer 26°.] The weather increased in severity towards night.

Jan. 28*th.*—As the weather somewhat moderated, we were enabled to commence our journey about mid-day. The roads had now become execrable, and the poor oxen were every moment lying down from fatigue. We to-day travelled only about five miles.

Jan. 29*th.*—We started at an early hour this morning, and met the post from Bexar, who informed us that we should find the roads in a dreadful state. The hunter every day killed one or two deer, and to-day he added a turkey to our bill of fare. We proceeded about eight miles, when we reached a place called Marcelino, where we encamped for the night. We were obliged to make these very short journeys, as half the cattle were knocked up; so that when we arrived at the stopping-place we were obliged to send back the good cattle to bring up the stragglers.

Jan. 30*th.*—We to-day only made six miles, and encamped at the Cañada de Encinos; we were obliged to leave behind a waggon and a cart, as we had no oxen capable of going back for them.

Jan. 31*st.*—Made an early start, and at twelve o'clock arrived at the *Rancho** of Don Erasmo Seguin, distant six miles from our starting-place. We arrived here with about one-half of the cattle going loose, and several had been left behind on the road, and abandoned from their inability to proceed even alone.

The whole of this month has been extraordinarily inclement; and although the natives all agree that such a winter had not been experienced for thirty years, still it shows that no good farmer should neglect the providing of

* *Rancho*, and *Rancheria*, are used in Spanish America to signify a labourer's house, or a collection of peasant's huts, from one and upwards. Be the number great or small, if there be not a church, the aggregate is called a *Rancheria*. A church is necessary to constitute a *Pueblo* (town or village), some of which only contain the church and the curate's house.

places of shelter and good winter fodder for his cattle. We have been constantly wet, notwithstanding which we have not suffered in our healths, with the exception of a few colds.

Feb. 1st and 2nd.—We encamped close by the side of a small canal, made for irrigation. This, although a very inconvenient place, being without wood or pasture, was the best we could obtain.

The Rancho of Don Erasmo Seguin is admirably situated on a rising ground, about 200 paces from the river San Antonio, and well surrounded by woods. They have made a species of fortification as a precaution against the Indians. It consists of a square, palisadoed round, with the houses of the families residing there forming the sides of the square. They have also three pieces of brass cannon, but not yet mounted. This may be made a beautiful place, but it is as yet in its infancy, having been planted only two years. It consists of two *sitios* of very fertile land. They have begun to sow cotton, which thrives very well: I procured a small quantity as a specimen.

Feb. 3rd.—I hired five yoke of oxen from the *Rancho*, to assist us as far as Bexar. We started early, and passed through some fine woods. We were obliged, in some places, to make the road afresh, but generally we found it excellent, as the weather was delightful, and we appeared at length to have got into the climate of Mexico. We today passed a beautiful stream called *Las Calaberas*, which is really a most romantic spot, with high banks covered with magnificent timber. The carts all got over without trouble, so that we had no annoyances to interfere with our admiration of the scene; immediately after passing through the wood, on the western side, we encamped, having travelled about thirteen miles.

Feb. 4th.—We made an early start this morning, and proceeded to a brook called the "Salado," where we encamped, having made about twelve miles. We formed our camp with great precaution, as this place is famous for the murders committed by the "Tahuacanos," being one of

their usual resting-places. The night passed without any alarm.

Feb. 5th.—I went forward to Bexar, with four men well armed, in order to obtain permission from the Alcalde to encamp. The train started about ten o'clock, and arrived at Bexar about half-past twelve o'clock, and encamped at the entrance of the lake.

Feb. 6th.—We discharged the carts and waggons, and in the afternoon were visited by nearly all the women in Bexar, so that the camp had the appearance of a fair.

The approach to Bexar is very pretty, as you have the vale of the river with the town of Bexar on the opposite or western bank. Behind, the land rises, so as to form an agreeable background, while two churches of some ruined Missions, a short distance from each other, contribute to give a civilised and interesting appearance to the prospect. Bexar itself is a small town, now containing about 2,500 souls. It is most advantageously situated, the land around it exceedingly fertile, with canals already made for the purpose of irrigation. The river San Antonio is a beautiful stream, and would work machinery to almost any extent; yet all these natural advantages are neglected, and Bexar is one of the poorest, most miserable places in this country. The Indians steal all their horses, rob their *Ranchos*, and, nearly every week, murder some one or two of the inhabitants. From want of union and energy, they tamely submit to this scourge, which all admit is inflicted by a few Tahuacanos.

A German man and woman of our expedition were here married. They had arranged everything with the priest before speaking to myself, otherwise I should have had it delayed till we arrived upon our own territory.

Feb. 16th and 17th.—Anxious but unable to proceed, for want of sufficient means of transport.

Feb. 18th.—We, to our great satisfaction, bade farewell to Bexar about one P.M., with fifteen carts and waggons. After travelling about eight miles, we encamped on a small brook called E Leon.

Feb. 19*th.*—We started about eight o'clock, and passed through a very fine country, consisting of a black loam, with an abundance of flint pebbles; it is much more hilly, affording beautiful prospects, but it appears to be rather deficient in water. At five o'clock we encamped on the right bank of the Medina, a very beautiful stream, which empties itself into the San Antonio. We this day marched about fifteen miles.

Feb. 20*th.*—Began our march about eight o'clock, and at mid-day got to the Charcon, a very fine pool of water, where I had all the cattle taken out. After about an hour's rest, we again started, and proceeded to Francisco Perez, where we only found one small hole, with muddy water, barely enough for the people. To-day we travelled about eighteen miles, through a very hilly country, covered with scrubby trees and small brush.

Feb. 21*st.*—We commenced our march this morning very early, as we were anxious to reach water for our cattle. About two o'clock we arrived at Arroyo Hondo, which was entirely dry. We proceeded on to the Tahuacano, about fifteen miles from our starting-place; but, to our great dismay, found no water. All this day we had been without water, either for the people or the cattle; we were therefore obliged to proceed about eight miles further, when, about nine o'clock in the evening, we came to a small pool at a place called Tierras Blancas. This water was so dreadfully bad that I could not touch it; however, such as it was, it was a great relief; as, although the Rio Frio was only distant about seven miles, the cattle could not have reached it.

Feb. 22*nd.*—We started about nine o'clock, and passed the Rio Frio at one o'clock without much difficulty. We encamped on the right bank, in a very good situation, except that there was but little pasture. In the evening nearly all hands turned out to shoot wild turkeys, and were fortunate enough to bring in twenty-three very fine ones. There was an immense quantity of fish in the river. We attempted to haul the seine, but, from there being a great quantity of

stones and logs, we met with no success. Several of the people caught some with lines and hooks.

Feb. 23rd.—We remained to-day on the Rio Frio, in order to rest our cattle; while at breakfast two Shawnee Indians arrived at the camp. They had been hunting on the Rio Grande, and were now returning to Natchitoches with beaver-skins. I bought three beaver-traps of them. In the evening, fourteen turkeys were obtained.

Feb. 24th.—About two A.M. a most violent squall of wind, accompanied by thunder, hail, and rain, came on suddenly. Our tent was carried away, and in a moment, we were completely deluged. The ground on which we were encamped, being level, was immediately flooded, and all the fires extinguished; the consequence was a scene of confusion such as we had seldom witnessed. Fortunately the storm passed away in a few minutes, and we then gradually began to get on dry clothes, light our fires, &c. This was a very cold windy day, but, being dry, we determined to remain in our encampment to air our tents, &c.

Feb. 25th.—There being no water, we were obliged to go as far as La Leona. It is incorrect to say there is no water, as about two leagues from Rio Frio there is a small brook, where water can generally be found, distant 18 miles from our starting-place. We arrived just at dark, and had a great deal of difficulty in crossing. There is a bridge of branches over the stream, and Mr. Egerton (the surveyor) and myself went forward to repair it; notwithstanding which, we upset two carts into the water, owing to the darkness and carelessness of the drivers. We at length kindled large fires on each side of the bridge, and tied ropes to the horns of the leading cattle, by which precautions all the remainder were passed over without accident. This stream is small, but very beautiful, well timbered, and surrounded by rich fertile lands. The water is permanent; it empties itself into the Nueces.

Feb. 26th.—We started at nine o'clock, and proceeded through a fertile country which only wants inhabitants. We fell upon a trail of some nine or ten Indians, ap-

parently about two or three days old. Soon after we met the Mexican post from Rio Grande; they saw some of us at a distance, and, taking us to be Indians, galloped off into the woods, and it was some little time before they rectified their mistake. We proceeded to Buena Vista, a distance of about 10 miles from La Leona, and there encamped.

Feb. 27th.—Started about nine o'clock, sent on a party to the Nueces to repair the bridge, hoping to be able to cross before night, but owing to the long journey, and one of the Mexican carts breaking its axle-tree, we did not arrive on the bank till dark. We accordingly encamped, after travelling about 20 miles. There is a stopping-place, called the Tortugas, about three leagues before you reach the river.

Feb. 28th.—We crossed the Nueces without accident, as we took a great deal of trouble. The banks are very steep, and still remained so in spite of all that had been done by the party yesterday. I, therefore, thought it necessary to take out the oxen, lower the carts by ropes on the bridge, drag them across, and then draw them up the opposite bank by the oxen.

As we this day entered into the Rio Grande Grant, the gentlemen and people made me pass the last; they then placed me in a light cart, and all hands drew me over the bridge, with the English and Mexican flags flying, and all the people cheering most enthusiastically. We afterwards cut out a tablet on the side of a large tree, and Mr. Little with a knife carved the following words:—"*Los Primeros Colonos de la Villa de Dolores pasaron el* 28 *de Febrero,* 1834."

We proceeded about a league through very rich land to "La Espantosa," which is a pool of water about fifty yards wide and four or five miles long: it is full of fish, but, from the quantity of bushes and dead wood, we could do nothing with the seine.

March 1st.—We started about nine o'clock, and proceeded through a most dreary sandy waste, where the wheels sank in as far as the axles, to a place called La Pina, a fine pool of water, which filters through a large bed of stone;

it is full of perch, and we managed to take a few, although the net was not deep enough to reach the bottom. We travelled this day about 12 miles. We were here no less than four different travelling parties.

March 2nd.—Mr. Egerton started early this morning, with one servant, for the Presidio del Rio Grande, in order to bring carts; it being my wish to leave the road and go to the Meras at once, without going across the river. We were unable to proceed to-day, as some of the Mexicans had lost their cattle.

March 3rd.—At midnight Mr. Egerton returned with the news that the water in the Rio Grande was very low, and that he had discovered a good road on the opposite side of the river to a pass opposite our lands; I therefore thought it better to proceed by that route. We accordingly started about nine o'clock. In the beginning we had to pass through the same kind of sandy tract we had experienced the day before yesterday; but, after travelling about a league we entered on a very fine plain, with very rich lands covered with excellent pasture; but unfortunately completely naked of timber, and very deficient in water. We proceeded about six leagues to a place called San Ambrosio, but found the bed about a league farther, where there are several pools of muddy water.

March 4th.—Started about nine o'clock. Mr. Egerton went forward to the Presidio del Rio Grande, to purchase some small stores. The train, after advancing through the same kind of country as yesterday for about ten miles, arrived at one o'clock on the banks of the Rio Grande, which is here a fine stream about three hundred yards wide. The people were all delighted at the appearance of the river, no one supposing it to be so large. We sent across to ascertain its depth, and found it to be about three feet the whole distance. We encamped on the left bank, and spent the afternoon in preparing the loads for the passage in such a manner as not to wet the articles.

March 5th.—After repairing the banks, we passed the river without much trouble, and encamped upon the south bank.

March 6th.—We proceeded as far as the Mission of San Bernardo, about five miles from the river, and close to the Presidio of Rio Grande. This last is a small village with about seven hundred inhabitants. There are some large houses in it, and several gardens. The people were very civil to us: altogether, I liked it much better than either Bexar or La Bahia. I here bought two cows, with their calves; besides some animals to kill.—In the afternoon we, as usual, were visited by nearly all the inhabitants of the place.

March 7th.—We began after breakfast to make preparations for starting, but the cattle had strayed a great distance, and we were consequently obliged to remain during the day.

March 8th.—We started very late from the Presidio, being obliged to leave our yoke of oxen behind, they having strayed away. We continued travelling till eight o'clock, when we arrived at a brook called San Domingo. We made to-day about twenty miles. I bought in the Presidio two cows and calves, and two fat heifers.

March 9th.—Started at half-past eight. About seven miles from the starting-place, we came to a very fine pool of water called San Nicholas. We saw a great number of wild horses. After travelling about fifteen miles, we encamped on the Rio Escondido, a very pretty stream of beautiful water, with high banks: there is also very excellent pasture here. We were obliged to make the road for about three hundred yards down the side of a steep hill, and through very thick underwood and bush.

March 10th.—Mr. Egerton started this morning for San Fernando. We proceeded up the same bank of the river to look for a pass, as the water was too deep and the banks too high for us to advance on the road. After proceeding about a league, we came to the pass which had been discovered by the guide. It turned out to be a very good one; but, in passing down to the "bottom," we unfortunately upset one of our carts. We crossed the stream without farther accident, and on the opposite bank we found five Shawnee Indians encamped, hunting beaver.

One or two of them spoke English perfectly. They had caught about forty beavers, and expressed their intention of following us to the lands and spending some time there in hunting. About a mile farther on, we entered on a very fine low plain, with very rich land, forming a kind of extensive bottom to the Rio Grande. After proceeding some distance across this plain, the cattle began to give up, and we were obliged to encamp about three o'clock, although we had no water. We travelled to-day ten miles.

March 11*th*.—I started very early to discover a good pass across the river. We proceeded for some distance to what is called the Paso de la Navaja, but found that it would be impossible to cross here without working for several days; I accordingly returned to the train, and sent Mr. Paulson and the guide farther up the river. They met us about mid-day, with the information that we could cross at an upper pass. We proceeded, and there encamped on the edge of the descent into the bottom; having travelled about ten miles. Soon after our encamping we were joined by our Shawnee friends:—the hunter killed a very fine she bear, and brought three young cubs to the train.

March 12*th*.—All hands went to work with great industry, making the road to the pass; a very arduous task, as we had about half a league to go before we arrived at the water, over very uneven ground, and through thick willow swamps. We had likewise to pass, for about a quarter of a mile, obliquely across the river, in order to take advantage of the shallow places; but still the water was in some parts three feet and a half deep. After a very hard day's work, I had the pleasure of once more encamping on "*our*" side of the river. Mr. Egerton about sunset arrived from San Fernando. The Shawnees once more encamped along-side of us; we were also joined by an American hunter, with his wife and children. The Mexican carts all quitted us here, leaving us entirely to our own resources.

March 13*th*.—We remained in our encampment all today, arranging what things we could take with us, being

obliged to leave the greater part of them behind, under a guard of men. I agreed with the Shawnees that they should hunt for me for some time, and they started to try their fortune on the Moras river; I likewise engaged the American who joined us last night as a hunter.

March 14*th.*—We started very early, with all the party excepting Mr. Addicks and two Mexicans, who remained behind to take care of the things. We passed across some most beautiful plains of rich black loam, but entirely destitute of timber, and with no water for irrigation. The plains are bounded by low limestone hills: on the top of one we discovered a small spring; in fact I have no doubt that water might be obtained in any part of the plains, by digging a few feet. After travelling about fifteen miles, we halted at "El Saucillo," a deep brook, the banks of a most curious formation.

March 15*th.*—Started about nine o'clock: myself and the rest of the gentlemen left the train and rode forward to look at the proposed site of the new town. It gave us satisfaction, and we returned down the stream, where we found the train encamped, after having travelled about four miles.

March 16*th.*—The train started about nine o'clock for Las Moras; but self and some of the gentlemen went down the stream, for the purpose of ascertaining whether there were an eligible spot for the town nearer to the Rio Grande. In this we were disappointed, as the stream gradually sank deeper between its banks, and according to the reports of our Mexican guides, it occasionally dried up in very hot seasons. Although we failed in our primary object, we had the satisfaction of discovering a most splendid fall of about fifteen feet. The stream divides itself into two nearly equal branches, which embrace a small island, and then fall over a strong bed into the same basin; forming one of the finest natural mill sites that can be conceived. This being St. Patrick's eve, we christened this spot "*San Patricio.*" We continued travelling for about ten miles, when, to our great joy, we encamped on the side of the future

"Villa de Dolores," and had just time to get our tents rigged before a most violent storm of thunder, lightning, and rain came on.

The stream of Las Moras is a very pretty one, about three yards across, and averages, at the present time, about two feet and a half in depth; the water is beautifully clear, and runs on a level with the surface of the "bottoms." It has several very pretty groves of timber, consisting principally of live and white oak, and elm. The "bottoms" below the villa, for some miles, are very broad, and exceedingly rich; in some places, where the beavers have made dams, the water has spread over several acres in width, offering excellent rice grounds.

The site of the Villa de Dolores, our new town, is upon the left bank of the stream, in a small grove of live oak and thick underwood; it rises gradually from the stream, leaving a small "bottom" of beautiful land for gardens. On the opposite side of the stream is a small grove containing some pretty sticks of timber. The selection of this spot does great credit to the taste and judgment of Mr. Egerton, who chose it in his former expedition.

March 17*th.*—The Mexicans are employed in riding round us in circles, that we may have timely notice of the approach of any enemy, though this does not appear very probable, as we have clear proofs that none have been here since Mr. Egerton's visit, his marks not having been disturbed. Besides this, we found the cover of a bed upon the spot where he lost it! All hands are diligently employed in clearing a square space of ground in the centre of the grove, for a fortification and temporary residence, until houses can be built.

By the afternoon, we had a square of about fifty yards on each side, sufficiently clear for our camp: we removed into it, having a fence of loose brush all round us, with only one entrance for the carts and waggons. On one side we dug a well, and found beautiful water at four feet.

March 18*th.*—The people employed in clearing away round our "fort" have also begun to build themselves

little huts: all were exceedingly well satisfied with the location. I have set the carpenters to work to build me a temporary store-house.

March 19*th*.—Mr. Egerton busily occupied in striking out the lines for the streets; the people still engaged in clearing away round the "fort." The Shawnees, who are encamped a short distance from us, brought in four turkeys and a deer. Self engaged in drawing plans for my house and garden. (Thermometer 80°; cool, refreshing breezes.)

March 20*th*.—(8 A. M., 65°). The equinoctial gale blowing fresh from the N. E. gave us a painful sensation of cold, although the positive difference of temperature by the thermometer was not nearly so great as our feelings would lead us to believe.—Wind fresh from N. E.

Clear day; noon. The people employed as yesterday. This is my thirtieth birth-day. We had intended to have celebrated it, and at the same time to have laid the foundation-stone of the church, but we delayed on account of the absence of some of the party.

In the evening, Fortunato Soto returned from Monclova, with his appointment to the office of Commissioner to the Colony. He also brought an official letter from the Governor to myself, assuring me of the interest felt by the government in our colony; and promised that he would apply to the Federal Government for a detachment of troops. To our great dismay, Fortunato had not been able to cash any of my drafts on New Orleans, and as we had previously ascertained that no money could be obtained in Bexar, we found ourselves reduced to the absolute necessity of sending to Matamoras, as the colony had not pecuniary means sufficient to obtain the necessary supplies. After long and serious consideration, it was unanimously determined that no one could ensure the requisite funds but myself; thus obliging me to quit the colony before hardly anything could be regulated!

March 21*st*.—The people employed some in clearing, and others in building themselves huts; self occupied in arranging different affairs preparatory to my departure.

March 22nd.—Every person employed the same as yesterday.

March 23rd.—This morning, Messrs. Power, Paulson, Soto, and myself, with the Mexican guard, made an excursion to the head of the stream. We passed over most beautiful lands for about eight miles, when we arrived at the springs. These form large pools of very clear water, in the midst of a large grove of very fine timber, consisting principally of live and white oak, elm, pecan, and hickory. (Thermometer 99° in the tent.) This timber continues on both sides of the stream all the way down to the Villa. The springs are full of fish, and are crossed in various directions by beaver-dams. The magnolia and other beautiful shrubs were in full blossom; altogether forming one of the prettiest spots I have seen anywhere. After resting a short time in the shade, we proceeded on to a hill which rises from the middle of the plain, to the height of about six hundred feet. We mounted to the top of it, and beheld the country spread out before us like a map. We could distinctly see the hills which give origin to the Nueces and Rio Frio, to the E. N. E. of us; the Moras, our own stream, running nearly due south and west of us, the Piedras Pintas and Sequete. The hill is composed of a very compact dark granite, and a fine species of soft limestone. It is situated about four miles from the head waters of Las Moras, and twelve from our Villa.

After making our observations, we returned to the Villa highly gratified with our excursion. We found two new Shawnees, who had brought us three deer and two turkeys.

March 24th.—People still employed in clearing, self in arranging affairs for my departure, and the rest of the gentlemen in laying out the streets, &c. (Thermometer 96°.) In the evening a chief of the Shawnees, with three of his tribe, arrived. The chief is a very fine man, about six feet and a half in height.

March 25th.—To-day was perhaps the most interesting we have passed since our leaving New York.

Immediately after breakfast, every thing being previously prepared, we marched in procession to the site

of the church. The Commissioner and myself, with the Mexican flag, leading the way; next to us were two master masons, one carrying a stone and the other a portion of mortar. On arriving at the place, we found that a small part of the foundation of the church had been dug; one of the masons prepared the bed, and I then laid the first stone of the Villa de Dolores: a bumper of wine all round was then tossed off to the prosperity of the new town, amidst cheers and repeated firing of guns. We now proceeded to swear allegiance to the Mexican Republic, which was done first by myself, and then by all the rest of the colonists. We next proceeded to the election of magistrates, when the following officers were declared duly elected;—

Alcalde	J. C. Beales.
1st Regidor . .	W. H. Egerton.
2nd ditto . . .	V. Pepin.
Syndico . . .	E. Ludecus.

These names were received by cheering, &c.; a bumper of rum was drunk to my health, this being the celebration of my birth-day. We now sat down to dinner, which I commemorate, as we dined off turkey and "*Paté de foies gras aux truffles*," from Paris, while our wines were Madeira and Champagne! After dinner, the Chief and other Shawnees came to the tent, and danced, and sang their war-song.—I should have stated that the day began by a religious ceremony, which, to say the least of it, was equally interesting with the remainder. One of the families named Page had a little girl aged six months, which they wished me to christen, as there was no clergyman near the place. I accordingly did so; my little daughter, Anita, being its godmother, and through Mr. Egerton, bestowing her name upon it. The day was beautifully fine, and everything passed off with the greatest order and good humour.

March 26th.—Everybody employed in laying out the streets and clearing them—the day exceedingly hot. (Thermometer 90°.)

March 27th.—The Shawnees left us; the chief having

given me the name of his "friend," while I gave him a pipe. All hands employed as yesterday.

March 28th.—Got a plough to work, and a blacksmith's shop employed repairing another plough; most of the people writing letters; self very busy in placing all my goods in my new storehouse, which is completed, with the exception of the roof.—Thermometer 100.

March 29th.—This morning most of the people idle, or writing letters; self concluding my affairs, and taking a farewell stroll "*about the town.*" About one o'clock, every thing being ready, I had the pleasure of seeing the first stone of my house laid. After dinner, the animals were brought out, and a farewell address was made to me, and I left the "Villa" accompanied by Messrs. Egerton, Paulson and Addicks. We went as far as the "Sauz," where we passed the night. Although I had been so short a time in the place, it was like leaving home, and would have caused me real regret, had it not been that I was returning to my family.

March 30th.—Mr. Egerton returned to the Villa, and the rest of us continued our journey; but we soon turned off from the road, as I understood there were some veins of coal among the hills. We passed over some beautiful land, and saw several large pools of fine water. After a long search, we were fortunate enough to meet with the coal; I took several specimens of it, and then made for the river, which we found with much less difficulty than when we last saw it. We crossed at the Paso de las Adjuntas del Rio Escondido, and I took leave of my lands for this trip.

The settlement at Dolores did not prosper, owing to a variety of causes; of which the principal apparently was the absence of proper qualifications in the colonists themselves. Mr. Power, who accompanied the Empresario, disapproved of the site of Dolores, on the various grounds that the stream Las Moras was insignificant; the settlement too remote from the nearest town, San Fernando, which was seventy

miles distant; and the soil, though of the best quality, not productive without irrigation, which was troublesome and expensive. Mr. Power preferred the lands on the Rio Grande; the flats being a deep rich loam, containing sufficient moisture to produce any crop without irrigation, and the highest bank of the river (there being three) affording the very finest pasture. The settlers, unacquainted with the agriculture of the country, were disappointed in their first crop, which failed for want of irrigation. They became discontented with their location, and, with the exception of eight persons, determined to leave it on the 17th of June. They withdrew accordingly, and Mr. Power and the remainder removed, for safety, to San Fernando, to await the arrival of another expedition. Political occurrences in succeeding years interrupted colonization in the district of the Rio Grande; and although Dolores obtained a place on the map, it had no pretensions to the name of a successful settlement—supplying farther evidence of the superiority of the Anglo-Americans in forming colonies. The North Americans are the only people who, in defiance of all obstacles, have struck the roots of civilization deep into the soil of Texas. Even as I trace these lines, I reflect upon their progress with renewed wonder and admiration. They are, indeed, the organised conquerors of the wild, uniting in themselves the threefold attributes of husbandmen, lawgivers, and soldiers.

From this episode in Texan history, I turn, to resume the narrative of general events during the year 1834.

CHAPTER VIII.

Continued Imprisonment and Representations of Stephen Austin—Violent Dissolution of the Federal Congress by Santa Anna—Effect of Military Usurpation on the Mexican States—Dissensions in Coahuila and Texas—Dissolution of the State Government—Measures of the Citizens—Differences among the Colonists,—Unionists, and Separatists—Restoration of the State Government—Statistical Report of Texas, by the Federal Commissioner Almonte.

Austin was detained in the old prison of the Inquisition in the city of Mexico, from the 13th of February, to the 12th of June 1834: after the first three months, the rigour of his confinement had been abated. His case was referred to the military tribunal, which declared itself incompetent to deal with it. He was then removed to the prison of the Acordada, and his case submitted to a civil functionary, in whose hands it remained until the 12th of August, when this authority also disclaimed the power of jurisdiction. The Federal District judge having dismissed it summarily on the same ground, it was brought under the cognisance of the Supreme Court of the Mexican United States, to ascertain from that tribunal what court was competent to proceed to trial. Writing from his prison on the 25th of August, 1834, Mr. Austin said—"I do not know as yet what court is to investigate my case. I have long since requested to be delivered to the authorities of the State of Coahuila and Texas, and I presume I shall be finally sent to the district court (Federal

Judge) of that state. The President, Santa Anna, is friendly to Texas and to me, (of this I have no doubt,) would have set me at liberty long since, and in fact, issued an order to that effect in June, had not some statements arrived about that time from the State Government of Coahüila and Texas against me, which I understand have contributed to keep me in prison so long. It is said the report of the State Government on the subject is founded solely on the statements of some influential persons who live in Texas. Who those persons are I know not. It is affirmed that they are North Americans by birth, and I am told that if I am not imprisoned for life, and totally ruined in property and reputation, it will not be for the want of exertion and industry on the part of some of my countrymen who live in Texas. Whether all this be true or not, I know I am unwilling to believe it. I am also told that no efforts were left untried, during the last winter and spring, to prejudice the members of the legislature and State Government against me at Monclova."*

The remainder of this long letter, which bespeaks a man anxious for liberation and apprehensive of foul play, is charged with complaints against "violent political fanatics" who were clamorous for the erection of Texas into a Federal State, and for "high-handed measures" with the General Government, and who abused the writer because he was "too mild, too passive, too lukewarm" on the subject, yet endeavoured to compass his destruction

* A decree of the State of Coahuila and Texas had removed the Sessions of the Legislature from Saltillo (Leona Vicario) to Monclova.

while he was in prison. "Stephen F. Austin's motto," he observes, "has been fidelity to Mexico and opposition to violent men and measures. That motto will continue to be the basis of his political faith, and the rule of his actions. He also owes duties to the simple-hearted citizens of his colony and to Texas, which he has never shrunk from executing, as far as he could. If proofs are needed to establish this fact, let them be sought in the last thirteen years, and they will be found. His present incarceration and persecution will also bear him witness. At one time, I am vilified for being too Mexican, too much the friend of Mexicans, too confiding in them, opposed to the separation of Texas from Coahuila, and in favour of keeping it for ever bound to the State of Coahuila and Texas. At another time, I am abused for yielding to the popular opinion, and for representing that opinion in good faith; and truly, firmly, fearlessly representing it, as it was my duty to do as an agent. I repeat it again and again, I cannot comprehend these matters. In my letter to the Ayuntamiento of Austin, from Monterey, dated 17th January last, and in all my letters written since my return to this city, I have earnestly requested the most prompt obedience and submission to the authorities of the State and the General Government, yea, that a public act of gratitude should be expressed by the people for those remedies that have been applied by the State and the General Government to the many evils that were threatening Texas with ruin."*

* I have been unable to ascertain any act of the General Government that could appear to Mr. Austin to merit Texan

Before the date of the preceding communication; another violent change had been effected in the Mexican Government. The Vice-President, Farias, in his attempts to circumscribe the mischievous powers of the priesthood and the military, evinced more zeal than discretion. No one was executed by his command, but many were banished and imprisoned. The priests wrought upon the fears of a superstitious population and produced a reaction dangerous to the existence of the Federal system. Santa Anna, at the head of the military chiefs who had under their control from fifteen to twenty thousand mercenary soldiers, deemed the occasion favourable for a revolutionary movement. Deserting the Federal Republican party and system, of which he had heretofore been the champion and the advocate, he espoused the cause, and assumed the direction of his former antagonists of the Centralist faction. With his co-operation that faction triumphed. The Constitutional General Congress of 1834 was dissolved on the 13th of May, by a military order of the President. The Council of Government, composed of half the Senate, which, agreeably to the Constitution, ought to have been installed the day of closing the session of Congress, was also dissolved, and a new revolutionary and un-

gratitude, except the repeal of the eleventh article of the decree of 6th April, 1830. In the Spring of 1834 the Legislature of Coahuila and Texas passed laws for the protection of the person and property of every settler, whatever might be his religion, for the establishment of separate Supreme and Circuit Courts, with trial by jury, and the permissive use of the English language in Texas. But in these enactments the State exceeded its constitutional powers, and afforded the Centralists a pretext for subverting the Federal Constitution.

constitutional Congress was convened by another military order. Until it should assemble, Santa Anna retained in his own hands the substantial authority of Government, which he covertly used to destroy the Constitution he had sworn to defend.

According to the strength and violence of parties, the several States of the Federation were more or less agitated by these arbitrary proceedings at the seat of Supreme Government. The collision between the President and the General Congress divided the legislature of Coahuila and Texas into two parties. One of these, at Monclova, issued a proclamation (*pronunciamento*) denouncing Santa Anna and his unconstitutional acts, and sustaining Vidaurri as governor of the State; the other, at Saltillo, declared for Santa Anna, issued a *pronunciamento* against the Congress, annulled the decrees of the State Legislature from its election in 1833, invoked the protection of the troops, and elected a military governor, the majority of votes in the election being given by officers of the army. Occupied in mutual denunciations, the two factions, both of which were destitute of popular strength, arrested the progress of public business, until the time constitutionally designated for the election of the Governor and other State officers had expired, leaving the people of Coahuila and Texas to the perils of a disgraceful anarchy. The ascendancy of Santa Anna in the capital and the interference of his armed instruments in the State, had virtually dissolved the social compact, and placed every man under the necessity of devising means for preserving his own and the general rights.

To provide a remedy for this miserable condi-

tion of affairs, a large body of Coahuilan citizens assembled with the inhabitants of Bexar at San Antonio, on the 13th of October, and resolved, on the motion of Don Erasmo Seguin, the chief of the Department, that a State Convention should be held at Bexar on the 15th of November, to organise a Provisional Government, in order to save the country from "unparalleled anarchy and confusion." A copy of the resolutions was transmitted to the other Departments of the State: the project was approved by the deputies at Monclova, but it was not carried into operation from the want of concert among the mass of the people. Many of the Anglo-Americans who had been previously hostile or neutral upon the question, now began to yield to the conviction that the welfare of Texas indispensably required immediate separation from Coahuila. Austin was still in prison, having failed in the great object of his mission; the evils for which redress had been conceded by the general government were of minor importance, while for the anarchy which afflicted the province no relief could be anticipated from the supreme authority, which was itself a military usurpation and the secret cause of the distraction that prevailed.

In his letter of August 25th, Stephen Austin had warned the colonists against interfering in "the political family quarrels" of the Republic, they "having every thing to lose and nothing to gain." He called upon the settlers to obey Santa Anna, who professed to be friendly to Texas and himself, and cautioned the farmers against "inflammatory politicians," he having begun to lose confidence in all persons ex-

cept those who sought their living between "the handles of the plough." But the advocates of separation from Coahuila were sensible that Austin was no longer in a situation to express untrammelled opinions, and they could not fail to remember that he had volunteered very different counsels at a time when the state of the country could have been far less powerfully pleaded in justification of extreme measures. A majority of the settlers, however, fearful of the consequences of civil broils, submitted to the advice of their imprisoned representative, and united with those inhabitants of Coahuila who were favourable to the reconstruction of the State Government. Two parties thus sprang up among the Anglo-Americans, one for proclaiming Texas an independent member of the Mexican Federation, at every hazard, the other for maintaining the connexion with Coahuila, according to the regulations of the Federal Constitution. By that Constitution, all loyal citizens, whether native or naturalised, held themselves bound to abide, according to their oaths.

On the 20th of October, 1834, the Separatists, led by the Political Chief of the Brazos, issued an address to the people of Texas, recommending them to organise, to save themselves from the anarchy which prevailed in the General and State Governments, by declaring perpetual the dissolution of the political connexion between Coahuila and Texas, caused by the "wilful and unlawful" proceedings of the former. "Coahuila will, in this case, be left without a plea or excuse; having wilfully committed an act of treachery, by plighting her faith and forfeiting all her guarantees. She can never be allowed to take

advantage of her own wrong. Let Texas then immediately close in with her, on her own terms; suffering her quietly to enjoy all the rights, privileges, and benefits which she can derive from the reign of anarchy or military despotism."

An answer to this appeal was published in November, by the Grand Central Committee appointed by the Convention of Texas to provide against emergencies. The Committee stated their anxiety to obtain a restoration of the State Government by constitutional means, and expressed their determination to have recourse to no other description of measures; they condemned the plan of organization proposed by their Political Chief, as revolutionary, and the forerunner of civil war; they described the dispositions of the President and Federal Government as favourable to Texas—in proof of which they referred to the repeal of the most obnoxious part of the law of the 6th of April, 1830; they considered it the duty of Stephen Austin's constituents to abstain from inviting "fresh difficulties in the way of his liberty, and perhaps his life," his health being much impaired, and a speedy release absolutely necessary; they deemed it unwise to "scatter the seeds of discord and confusion" when the country was prospering and the mass of the inhabitants contented and happy, and they intimated that the difficulties between Saltillo and Monclova were in process of adjustment, and that the State Government would "soon be restored to its proper functions." After noticing some of the "inflammatory documents which had been cast as firebrands among the people," the Committee met the complaint against Mexican

misrule with a plea which must have been as consolatory to the discontented settlers as the comforting of his friends to Job in his afflictions.

"Another complaint is made, and somewhat justly too, that the Constitution and laws are continually departed from; in consequence of which we are compelled to forego some of those benefits and advantages which the Government promised us. It would perhaps be as well for us all to think of this, and speak about it as little as possible, as it might be that the too strict *surveillance* of the parent would restrict the playfulness of the children. But if the complaint is just, and the inspection would be right, as no honest man will deny—what then? *Is Mexico herself in any better situation?* Do we not see that faction after faction overturns the Constitution and laws almost daily, keeping up a chaos of dreadful confusion?

"When has Mexico been able to avail herself of the blessings of a great well-ordered Government? If it be not in her power to avail herself of these blessings in her very capital, how is it possible for her to extend them to any other part of the Government? Besides all this, we know that the business of self-government is new to them, they have so recently escaped from the iron hand of tyranny.***** Texas is situated 1200 miles from the capital of Mexico, and owing to the distance and state of war in the country ever since we have known it as a Republic, communications could be no other than tedious and uncertain. In the event of our petitions reaching Mexico in the recess of Congress, they must necessarily wait until the Session, and wait to

be acted upon in their turn, and might at last be neglected, owing to the immense mass of business of more vital importance to the nation occupying their whole time.

"All these, besides many more reasons which might be given, have been sufficient to cause so much delay as to injure Texas materially, without the possibility of remedy, be the intentions of the Government towards Texas ever so good. Self-preservation is the first law of nature; and so thinks Texas, and therefore complains of the Government. So thinks the Government, and therefore neglects Texas. Where are these difficulties to end? They will end in Government getting through its troubles, wherein Texas must bear a part, or she will add to the calamities of the nation and ruin herself for ever."

The pleadings of the peace, or anti-separation party, discouraging as they were, succeeded in allaying the ferment produced by the addresses of the Political Chief of the Brazos and his coadjutors. An adjustment of differences was also effected between the Coahuilan factions at Saltillo and Monclova, under the arbitration of the President of the Republic, General Santa Anna. The State resumed the exercise of its suspended functions, and elected members of the legislature and other constitutional authorities—the entrance of the legislative body on the discharge of its duties being postponed from the 1st of January, 1835, to the 1st of March ensuing.

Amidst the disorder which prevailed in Mexico, in consequence of the alliance of the privileged classes against the Federal Constitution, the Supreme Executive instituted a proceeding which evinced its

growing sense of the importance of Texas and its hostility to the Anglo-Americans. It has been previously mentioned that, by the decree of the 6th April, 1830, issued by the Vice-President Bustamente, the Government was authorised to appoint Commissioners to visit the colonies of the frontier States, and, in the words of the third article, "to contract with the Legislatures of said States for the purchase, by the nation, of lands suitable for the establishment of new colonies of Mexicans and foreigners; to enter into such arrangements as they may deem proper for the security of the Republic, with the colonies already established; to watch over the exact compliance of the contracts on the entrance of new colonists; and to investigate how far the contracts already made have been complied with." By the fourth, fifth, sixth, and seventh articles of the same decree, the Executive was empowered to take possession of such lands as might be suitable for military defences and new colonies, indemnifying the State by deducting the amount of their value from the debt due by it to the Federation; to remove convicts from Vera Cruz and other places to the new colonies, giving to each, at the end of his term of service, a grant of land, with necessary implements of husbandry, and means of subsistence for one year; and to convey, free of expense, Mexican families desirous to become colonists, with the like provision that was to be appropriated to discharged convicts. Texas alone could have been contemplated by these enactments, it being the only frontier State that had been selected for colonization.

In the spring of 1834, while Stephen Austin was expiating his contumacy in a Mexican prison, Colonel Juan Nepomuceno Almonte was commissioned by the Supreme Government to visit Texas, and report his observations to the Executive. Subsequent events warrant the conclusion that the Commissioner's instructions extended to inquiries for military as well as civil purposes. With the permission of the Government, he published, in January, 1835, his Statistical Notice of Texas, dedicated to General Barragan, which, according to the Commissioner's introductory statement, formed only part of the information he had presented to the supreme authorities.

This publication, though indicating, by its flimsy texture, the indifference and ignorance of Mexico with regard to Texas, is important as a link in the chain of historical evidence. Colonel Almonte cannot be suspected of partiality to the Anglo-Texans; and as his Report illustrates their social progress during a period of ten years, beginning with the settlement of Stephen Austin's first colony in 1824, an abstract of its more important contents may be usefully incorporated in the general narrative.*

In his prefatory remarks, the author observes that he had not contemplated the publication of his researches in Texas, both from the reserve incumbent on an agent of the Government, and from the want of sufficient time to examine the great resources of

* My copy of Almonte's work, which is about the size of an ordinary pamphlet, bears the following imprint: "*Mexico—Impreso Por Ignacio Cumplido, Calle de los Rebeldes*, n. 2. 1835."

that extensive and interesting country. In deference, however, to the desire for information evinced by many, he had, with the sanction of the Supreme Government, determined on publishing his Statistical Observations, which, although imperfect, might not perhaps be regarded with indifference, as they would afford some idea of what Texas is and what it was. "What it will be, it is not difficult to anticipate. If we consider the extraordinary and rapid advances that industry has made; its advantageous geographical position, its harbours, the easy navigation of its rivers, the variety of its productions, the fertility of the soil, the climate, &c.,—the conclusion is, that Texas must soon be the most flourishing section of the Republic. There is no difficulty in explaining the reason of this prosperity. In Texas, with the exception of some disturbers, (*con ecepcion de algunos revoltosos*), they only think of growing the sugar-cane, cotton, maize, wheat, tobacco; the breeding of cattle, opening of roads, and rendering the rivers navigable. Moreover, the effects of our political commotions are not felt there, and often it is only by mere chance our dissensions are known. Situated as Texas is, some 450 leagues from the capital of the Federation, it is easy to conceive the rapidity of its progress in population and industry, for the reason that Texas is out of the reach of the civil wars that have unfortunately come upon us. The inhabitants of that country continue, without interruption, to devote themselves to industrious occupations, giving value to the lands with which they have been favoured by the munificence of the Government.

"If, then, the position of Texas is so advantageous, why should not the Mexicans participate in its benefits? Are not they the owners of those valuable lands (*preciosos terrenos*)? Are they not capable of encountering dangers with firmness and courage? Let small companies be formed; enter into contracts with agricultural labourers; appoint to each of the companies its overseer, agent, or colonial director; and I will be the surety that, in less than one or two years, by the concession of eleven league grants of land, which will not cost perhaps more than a trifle for the stamped paper on which the title is made out, the grants will be converted into a property worth more than from fifteen to twenty thousand dollars. Let those who wish to test the worth of this assurance visit the plantations of the colonists, and they will perceive I am no dreamer."

The Commissioner, adverting to the objection of the remoteness of Texas as a field for Mexican colonization, remarks that it is not necessary to remove thither by land: from the city of Mexico to Vera Cruz it was but four days' journey, and the voyage from thence to Galveston or Brazoria might be made in six or eight days more. "If, as is possible," he proceeds to say, "I return to Texas as colonial director, I shall have great pleasure in affording to purchasers of land and Mexican Empresarios all the information in my power for the better colonization of the country. I do not hesitate particularly to assure retired officers and invalids, that the best way to provide for their families is to solicit permission of the Government to capitalise their pay, and go and colonise Texas. There they will find peace and

industry, and obtain rest in their old age, which, in all probability, will not be found in the centre of the Republic."

The Report opens with a general notice of Texas, and then enters upon separate statistical details respecting the three Departments—Bexar, the Brazos, and Nacogdoches. My object being to adduce the Commissioner's authority as Mexican evidence to fact, I shall refer to his testimony in the order of his own arrangement. The investigation commenced in the Spring, and terminated in the Autumn of 1834.

"The population of Texas," states the Report, "extends from Bexar to the Sabine River, and in that direction there are not more than 25 leagues of unoccupied territory to occasion some inconvenience to the traveller. The most difficult part of the journey to Texas is the space between the Rio Grande and Bexar, which extends a little more than 50 leagues, by what is called the Upper Road, and above 65 leagues by the way of Loredo. These difficulties do not arise from the badness of the road itself, but from the absence of population, rendering it necessary to carry provisions, and even water during summer, when it is scarce in this district. This tract is so flat and rich in pasturage that it may be travelled with sufficient relays, and at a suitable speed, without the fear of wanting forage.

"In 1806 the department of Bexar contained two municipalities; San Antonio de Bexar, with a population of 5,000 souls, and Goliad, with 1,400; total 6,400. In 1834 there were four municipalities, with the following population respectively:—San Antonio de Bexar, 2,400; Goliad, 700; Victoria,

300; San Patricio, 600; total 4,000. Deducting 600 for the municipality of San Patricio (an Irish settlement), the Mexican population had declined from 6,400 to 3,400 between 1806 and 1834. This is the only district of Texas in which there are no negro labourers. Of the various colonies introduced into it, only two have prospered; one of Mexicans, on the river Guadalupe, by the road which leads from Goliad to San Felipe; the other of Irish, on the river Nueces, on the road from Matamoros to Goliad. With the exception of San Patricio, the entire district of Bexar is peopled by Mexicans. The greater part of the lands of Bexar can easily be irrigated, and there is no doubt that so soon as the Government, compassionating the lot (*suerte*) of Texas, shall send a respectable force to chastise the savages, the Mexicans will gladly hasten to colonise those valuable lands which court their labour.

"Extensive undertakings cannot be entered on in Bexar, as there is no individual capital exceeding 10,000 dollars. All the provisions raised by the inhabitants are consumed in the district. The wild horse is common, so as rarely to be valued at more than 20 rials (about 10 shillings British) when caught. Cattle are cheap; a cow and a calf not being worth more than 10 dollars, and a young bull or heifer from 4 to 5 dollars. Sheep are scarce, not exceeding 5,000 head. The whole export trade is confined to from 8,000 to 10,000 skins of various kinds, and the imports to a few articles from New Orleans, which are exchanged in San Antonio for peltry or currency (*peleteria y metálico*).

"There is one school in the capital of the Department supported by the municipality, but apparently the funds are so reduced as to render the maintenance of even this useful establishment impossible. What is to be the fate of those unhappy Mexicans who dwell in the midst of savages without hope of civilization? Goliad, Victoria, and even San Patricio, are similarly situated, and it is not difficult to foresee the consequences of such a state of things. In the whole department there is but one curate (*cura*); the vicar died of cholera morbus in September last.

"The capital of the Department of the Brazos is San Felipe de Austin, and its principal towns are the said San Felipe, Brazoria, Matagorda, Gonzalez, Harrisburg, Mina, and Velasco. The district containing these towns is that which is generally called 'Austin's Colony.'

"The following are the municipalities and towns of the Department, with the population:—San Felipe, 2,500; Columbia, 2,100; Matagorda, 1,400; Gonzalez, 900; Mina, 1,100: total, 8,000. Towns: Brazoria, Harrisburg, Velasco, Bolivar. In the population are included about 1000 negroes, introduced under certain conditions guaranteed by the State Government (*introducidos bajo ciertas condiciones, garantizadas por el gobierno del estado*); and although it is true that a few African slaves have been imported into Texas, yet it has been done contrary to the opinion of the respectable settlers, who were unable to prevent it. It is to be hoped that this traffic has already been stopped; and it is desirable that a law of the General Congress and of the State should fix a *maximum* period for the in-

troduction of negroes into Texas, as servants to the empresarios, which period ought not, in my opinion, to exceed 10 or 12 years, at the end of which time they should enjoy absolute liberty.

"The most prosperous colonies of this Department are those of Austin and Dewitt. Towards the north-west of San Felipe there is now a new colony under the direction of Robertson; the same that was formerly under the charge of Austin.

"In 1833, upwards of 2,000 bales of cotton, weighing from 400 to 500 lbs. each, were exported from the Brazos; and it is said that in 1832 not less than 5,000 bales were exported. The maize is all consumed in the country, though the annual crop exceeds 50,000 barrels. The cattle, of which there may be about 25,000 head in the district, are usually driven for sale to Natchitoches. The cotton is exported regularly from Brazoria to New Orleans, where it pays 2½ per cent. duty, and realises from 10 to 10½ cents. per lb. for the exporter, after paying cost of transport, &c. The price of cattle varies but little throughout Texas, and is the same in the Brazos as in Bexar. There are no sheep in this district; herds of swine are numerous, and may be reckoned at 50,000 head.

"The trade of the Department of the Brazos has reached 600,000 dollars. Taking the estimate for 1832 (the settlements having been ravaged by the cholera in 1833), the exports and imports are estimated thus: 5,000 bales of cotton, weighing 2,250,000 lbs., sold in New Orleans, and producing at 10 cents. per lb. 225,000 dollars net; 50,000 skins, at an average of 8 rials each, 50,000 dol-

lars. Value of exports, 275,000 dollars (exclusive of the sale of live stock). The imports are estimated at 325,000 dollars.

"In this Department there is but one school, near Brazoria, erected by subscription, and containing from 30 to 40 pupils. The wealthier colonists prefer sending their children to the United States; and those who have not the advantages of fortune care little for the education of their sons, provided they can wield the axe and cut down a tree, or kill a deer with dexterity.

"The Department of Nacogdoches contains four municipalities and four towns. Nacogdoches municipality has a population of 3,500; that of San Augustine, 2,500; Liberty, 1,000; Johnsburg, 2,000; the town of Anahuac, 50; Bevil, 140; Teran, 10; Tanaha, 100: total population, 9,000, in which is included about 1,000 negroes, introduced under special arrangements (*convenios particulares*).

"Until now it appears that the New York Company are only beginning to interest themselves in settling their lands, bought or obtained by contract with Messrs. Zavala, Burnet, and Vehlein, empresarios, who first undertook the colonization of the immense tracts which they obtained of the State of Coahuila and Texas, and which are laid down in the maps of the North as lands of the 'Galveston Bay Company.' In consequence of that transaction, the Company are proprietors of nearly three-fourths of the Department of Nacogdoches, including the 20 leagues of boundary from that town to the Sabine. Of the contracts of Zavala, Burnet, and Vehlein, some expired last year, and others will

expire during the present year. The Supreme Government, if at all anxious to do away with a system of jobbing so ruinous to the lands of the nation, at the hands of a few Mexicans and foreigners, ought, without loss of time, to adopt means to obviate the confusion daily arising out of contracts with the speculators, which create a feeling of disgust among the colonists, who are dissatisfied with the monopoly enjoyed by companies or contractors that have acquired the lands with the sole object of speculating in them.

"The settlements of this district have not prospered, because speculators have not fulfilled their contracts, and the scattered population is composed of individuals who have obtained one or more leagues of land from the State, and of others who, in virtue of the law of colonization inviting strangers, have established themselves wherever it appeared most convenient. But the latter have not even the titles to their properties, which it would be only fair to extend for them, in order to relieve them from that cruel state of uncertainty in which some have been placed for several years, as to whether they appertain to the United States or to Mexico. And as these colonists have emigrated at their own expense, it seems just that the contractors on whose lands they have settled, and who were not instrumental to the introduction of their families, should not receive the premium allowed by law. In stipulating with those contractors (*empresarios*) both the General and State Government have hitherto acted with too much negligence, and it

would be well that they should now seriously turn their attention to a matter so deeply important.

"There are three common schools in this department; one in Nacogdoches, very badly supported, another at San Augustine, and the third at Johnsburg. Texas wants a good establishment for public instruction, where the Spanish language may be taught; otherwise the language will be lost: even at present, English is almost the only language spoken in this section of the Republic.

"The trade of this Department amounts for the year to 470,000 dollars. The exports consist of cotton, skins of the deer, otter, beaver, &c., Indian corn, and cattle. There will be exported during this year about 2,000 bales of cotton, 90,000 skins, and 5,000 head of cattle, equal in value to 205,000 dollars. The imports are estimated at 265,000 dollars; the excess in the amount of imports is occasioned by the stock which remains on hand in the stores of the dealers.

"There are about 50,000 head of cattle in the whole Department, and prices are on a level with those in the Brazos. There are no sheep, nor pasturage adapted to them. There are above 60,000 head of swine, which will soon form another article of export.

"There are machines for cleaning and pressing cotton in the Departments of Nacogdoches and the Brazos. There are also a number of saw-mills. A steam-boat is plying on the Brazos river, and the arrival of two more is expected; one for the Neches, the other for the Trinity.

"The amount of the whole trade of Texas for the year 1834 may be estimated at 1,400,000 dollars.

DEPARTMENTS.	IMPORTS.	EXPORTS.	TOTAL.
Bexar	40,000	20,000	60,000
Brazos . . .	325,000	275,000	600,000
Nacogdoches .	265,000	205,000	470,000
Approximate valuation of contraband trade with the interior, through the ports of Brazoria, Matagorda, and Copano			270,000
Total			1,400,000

"Money is very scarce in Texas; not one in ten sales are made for cash. Purchases are made on credit, or by barter; which gives the country, in its trading relations, the appearance of a continued fair. Trade is daily increasing, owing to the large crops of cotton, and the internal consumption, caused by the constant influx of emigrants from the United States."*

The Commissioner, in a tabular return, estimates the whole population of Texas Proper at 36,300; of which 21,000 are civilised inhabitants, and 15,300 Indians. The number of hostile Indians is estimated at 10,800, and of friendly tribes 4,500; of the former, 9,900 are appropriated to the Department of Bexar, and the remaining 600 to the Brazos.† The Northern Indians in the Department

* In a new and fertile country, settled by industrious agriculturists, the high price of provisions is a symptom of prosperity, the consumption being occasioned by the increase of population. Apart from exports, the demand for Indian corn and other produce to meet the wants of immigrants, brings large returns to the farmers of Texas. The settler who pays high prices this year may be enabled to exact them the next.

† Although the Anglo-Texans had suffered grievously from

of Nacogdoches are described "as generally attached to the Mexican Government." They had applied to the President of Mexico for a grant of land. "The statement accompanying the petition," says the Commissioner, "will show who are friends and who are in arms against us in Texas."

Beyond the foregoing facts, Colonel Almonte's Report supplies no information calculated to throw light on the social condition of Texas in 1834. The meagre character of the publication is admitted by the Commissioner himself, who, in apologising for an important omission, makes a revelation more curious than creditable, as regards the state of the arts in Mexico. "I had proposed," he says, "adding to this notice a map of Texas which is in my possession, that the reader might judge at a glance of the extent of its immense territory, but finding that impossible, *from the difficulty attending engraving or lithography in our country*, I shall content myself with recommending him to procure one of the maps published in New York, and usually found in the libraries of that capital."*

According to the *Gazette of Coahuila and Texas*, published at Monclova, Colonel Almonte had arrived in that city on the 24th of September, 1834, after executing the duties assigned him by the General Government. His next visit to a country

cholera in 1833, their numerical strength is evidently underrated. The scattered settlements rendered it extremely difficult to number the colonists with accuracy, and it did not accord with the policy of the Mexican Government to represent them as formidable in any respect. They probably amounted to about 30,000, exclusive of the 2,000 negroes.

* *Noticia Estadistica Sobre Tejas*, p. 89.

of which he spoke in most eulogistic terms, was in a very different capacity.

Brief and superficial as is the Report of the Mexican Commissioner, it has afforded very seasonable aid at this stage of my narrative. It has described, in the cold phraseology of official inquiry, the change effected in ten years by the Northern Colonists, in the solitudes of a land neglected and abandoned by its rulers. The statistics of Almonte form the proudest testimonial to the labours of those fearless and persevering spirits who first rendered the golden glebe of Texas tributary to the enjoyments of civilised man, and supply a conclusive answer to the charges brought against the Texans by persons who, in the fervour of a philanthropic enthusiasm in behalf of the Indian and the Negro, are ready to sacrifice not only time and money, but the solemn obligations of truth and justice.

CHAPTER IX.

Innovations of the Mexican Centralists—Unprincipled Sale of Texan Lands—Constitutional Exposition of the Legislature of Coahuila and Texas—Fall of Zacatecas—Dispersion of the Legislature of Coahuila and Texas, and Arrest of the Governor—Agitation in Texas—Lorenzo de Zavala—Return of Stephen Austin—His Speech at Brazoria—Military preparations against Texas and organization of the People—Defeat of the Mexicans near Gonzalez—Subversion of the Federal Constitution of 1824 and establishment of a Central Government in Mexico.

The new Congress, convoked under the auspices of Santa Anna and the Centralists, assembled in the city of Mexico in the month of January, 1835. Petitions and declarations in favour of a Central Republic were poured in by the military and clergy, while protests and remonstrances on behalf of the Federal Constitution were presented by some of the State legislatures and the people. The latter were disregarded, and their supporters persecuted and imprisoned. Emboldened by party co-operation, the Congress assumed extraordinary powers and deposed the Vice-President, Gomez Farias, without impeachment or trial, electing in his stead General Barragan, a leading Centralist. Among the first acts of the Congress was a decree for reducing the militia of the several States to one for every five hundred souls, and disarming the remainder, which amounted to the annihilation of that constitutional force. Every successive step evinced a settled purpose to establish a Central Republic on the ruins of

the Federal System, that "division of the supreme powers of the Federation, and of the States," which, according to the provisions of the Constitutional compact in 1824, could "never be reformed."

The legislature of the State of Coahuila and Texas assembled in session at Monclova on the 1st of March, and Augustin Viesca, who had been elected governor, entered upon the duties of his office. Among the grievances which were considered by the Texans as an equitable ground of separation from Coahuila, was the prodigal disposal of the valuable waste lands, which lay almost exclusively within the limits of Texas. The waste lands of a new republican state constitute its capital, and it was calculated that those appertaining to Texas would, under proper administration, sustain the expenditure of a State government for the first ten years. An immense extent of the domain of Texas had been granted in 1834 to John T. Mason of New York, by an act of the Legislature of Coahuila and Texas, and on the 14th March, 1835, they followed up the same wasteful and iniquitous policy, by selling 411 leagues of choice land at private sale, and for the inadequate sum of 30,000 dollars. Tracts of eleven leagues had also been sold, at a nominal price, from time to time, to citizens of Coahuila, to be by them resold at a profit; thus improving their condition at the expense of Texas. Anticipating the period of separation, the Coahuilan members of the State Legislature, availed themselves of their majority, and proceeded without shame or scruple, in squandering the resources of their constitutional associates. Among the spe-

culators who appeared as purchasers at Monclova, were some Texans, whose participation in the odious job has, in places where the facts were unknown, brought discredit on the general body of their fellow-citizens. These persons justified their conduct on the plea that, if Texan settlers had not bought the land, it would have been transferred to strangers. The transaction, however, which had been accomplished by sinister influence, excited the deepest dissatisfaction among the industrious colonists who protested against it as "a violation of good faith and the most sacred guarantees," denounced it as a "death-blow" to their rising country, and stigmatised it as "an act of corruption in all parties concerned."

The Federal Decree of 6th April, 1830, contemplated the purchase of the frontier lands from the States to which they belonged, by the Supreme Government, for the purpose of colonization and defence. Nothing had been effected under the provisions of that decree, until the mission of Colonel Almonte, whose report revealed the intention of the general government to colonise Texas with Mexicans, instead of foreigners, more especially with military men. The lavish appropriation of the waste lands by the Legislature of Coahuila and Texas must, of course, if permitted, have disabled the Government from executing its design. The law authorising the sale of the 411 leagues of Texan land was, therefore, as objectionable to the supreme authorities as to the colonists. The General Government accordingly denied the right of the State Legislature to dispose of the land except in

its own favour, on the ground that Coahuila and Texas was chargeable with a proportion of the public debt, which remained unliquidated. Instead, however, of resorting to the remedies prescribed by the Constitution and the laws, the power of the sword—the usual arbiter of Mexican differences—was invoked to rectify the alleged abuse.

The revolutionary proceedings of the party in power in Mexico, were opposed by the people in Puebla, Oaxaca, Zalisco, and other States of the nation. The State of Zacatecas refused to disband and disarm its militia, in obedience to the decree of the General Congress, and in April had recourse to arms, to resist the measures in progress for establishing a Central Republic. On the 22nd of the same month, the Legislature of Coahuila and Texas framed an "Exposition to be presented to the Chambers of the Union, petitioning that no reforms be made in the Federal Constitution, save in the manner therein prescribed."

In this document the petitioners, after lamenting the constant fluctuations in the government for party objects, observed:—

"A year has not passed since the plan of Cuernavaca, exciting the fears of the timid and the individual interest of those disaffected by the compacts of Zavaleta, became general throughout the republic. This plan did not acknowledge the legitimacy of the General Congress, and most of the State Legislatures were dissolved, under the pretext of their having passed laws upon religious reforms, and others which were contrary to the Federal Constitution and those of the States. If this single cause produced a general and simultaneous movement throughout the republic, what may be expected from the violent reforms which now occupy the august chambers? * * * *

"To effect these reforms, opinions have been expressed in that august body, so unreasonable as to suppose the present General Congress invested with the power of changing the constitution at pleasure. It is not understood how a national representation which owes its origin to the existing fundamental compact, can have the right of reforming or changing it according to their caprices. On what principle of constitutional right can this power be predicated? What act of their organization has conferred upon them so extraordinary a prerogative? Did not the electors from whom they received their appointment act in conformity with the same constitution? Then it is certain that the general Congress has not, nor can have, any other power than those defined in the 47th, 48th, 49th, and 50th articles of the Federal Constitution, because it is also evident that the people, in constituting this Congress, were strictly governed by the same.

"Therefore, the State of Coahuila and Texas, legally represented by its legislature, protests, in the most solemn manner, that having been received into the confederation by virtue of the fundamental compact, and on the principles therein established, it does not, nor ever will acknowledge the acts emanating from the General Congress, which are not in strict conformity with the express tenor of the above cited articles; nor will it admit other reforms of the Constitution, than those made in the manner therein prescribed: on the contrary, it will view as an attempt against its sovereignty, every measure in opposition to these legal dispositions. A fatality, ever to be lamented, has caused us to attempt the remedy of one evil by another. While in the south there appears a revolutionary spark, the chambers of the Union are warmly engaged in the discussion of questions of reform, which have engrossed the attention of all: certain laws have been repealed, and others have been passed, giving such a preponderance to the privileged classes, that they, to continue these abuses, are constantly engaged in exciting disturbances. The civic militia is reduced throughout the republic; or, rather, the only bulwark of liberty, and of the rights of the community, is destroyed. The general govern-

ment, which ought to turn its attention to the revolutions of the south, is preparing an expedition against a pacific state, as is that of Zacatecas, which has so long been the glory of the nation, checking arbitrary measures and abuses of power. The commandant-general of the Eastern Internal States, interfering, in the most scandalous manner, with the internal administration of the State of Coahuila and Texas, and even issuing orders that certain laws which have been passed by this legislature shall not be complied with, is making arrangements to move the presidial troops from the frontier posts where they are stationed, and where they are so necessary on account of the savage Indians, and is bringing them upon this capital, doubtless to put down the supreme authorities, or to accomplish some nefarious object. The general government, which has been applied to, to check these advances of military power, preserves a profound silence upon the subject; so that everything indicates the dangerous course we are pursuing, and in which reflection, prudence and wisdom alone can prevent us from being involved in the disasters of a civil war."

Santa Anna, with a body of regular troops, marched in April against Don Francisco Garcia, governor of the State of Zacatecas, a liberal and enlightened man, but an unskilful commander. Withdrawing his undisciplined troops, amounting to 5,000 men, from their strong post in the city, Garcia had the imprudence to give battle to Santa Anna on the prairies of Guadalupe, where, after an engagement of two hours, he was totally defeated with great loss, leaving 2,700 prisoners, with cannon, arms and ammunition in the hands of the enemy. Advancing by a forced march to the city of Zacatecas, Santa Anna took possession of it, and overcame all farther resistance in the State.* While engaged in

* Official account of the fall of Zacatecas, by General Santa Anna, May 11th, 1835.

these operations, he ordered his brother-in-law, General Martin Perfecto de Cos, who had the military command and inspection of the Eastern Internal Provinces, to proceed from Matamoros with a suitable force, for the purpose of punishing the legislature of Coahuila and Texas, the members of which, in addition to their profligate land sales, had incurred his personal displeasure by declaring against him in June 1834.

Difficulties began to thicken around the State Legislature of Coahuila and Texas. The Centralist party was again organised at Saltillo, powerfully seconded by military influence. The Governor Viesca endeavoured to prepare for the approaching storm, by calling out part of the militia, and applied for a levy of one hundred men in each of the three Departments of Texas. His proclamations called upon the Texans to arouse themselves for the protection of their dearest interests.—"Your liberty, your property, nay, your very existence," he said to the colonists, "depend upon the capricious will of your direst enemies. Your destruction is resolved upon, and nothing but that firmness and energy peculiar to true Republicans can save you. The present administration wish to reduce Texas to a *territory;* and if this degradation should not prove sufficient to arouse you to hostility, they mean to heap insult upon insult, disgrace upon disgrace, until you are ultimately compelled to defend yourselves."

So unpopular had the Governor and Legislature become, in consequence of their misappropriation of the public lands, that the appeal was disregarded.*

* "It was too much for us to risk, if it was not too much for

At this juncture, General Cos issued an address denouncing the legislature at Monclova, complaining that they had alienated the public domain, refused quarters to the government troops, secreted the exiled Vice-President, Gomez Farias, declared the local militia permanent, and meditated insurrectionary designs, under the pretext of reducing Saltillo, which had disclaimed their authority. The Commandant-General concluded by threatening to put down the "Revolutionists" by military force, unless they manifested speedy repentance and reformation of these and other "criminal acts."

Apprised of the fall of Zacatecas, and aware that Cos was about to execute his threats, the Legislature adjourned, after authorising the Governor, Viesca, to remove with the public archives to Texas, and there fix the seat of government. Having secured the State documents, the Governor commenced his march, escorted by about one hundred and fifty local militia, and twenty Anglo-American colonists. At the Hacienda de Dos Hermanos, about thirty miles on the route, he halted for two days, in order to despatch some indispensable business before leaving Coahuila. This delay was fatal to his resolution. He was informed that he would have to fight his way in crossing the Rio Grande, where Santa Anna had posted some troops; too few, however, to form a serious obstacle in the estimation of determined men. Notwithstanding the urgent advice of the Texans to push onward, he returned with the

him to ask, our blood to sustain those who had wantonly squandered our lands."—*Declaration of the Central Committee and Representatives of the Municipalities of the Brazos and Bexar.*

archives to Monclova, disbanded his followers, and intimated that he relinquished all farther opposition to the government. Subsequent reflection having satisfied him that he had advanced too far to recede with safety, he attempted a secret retreat to Texas, accompanied by some officers of the government, and guided by Colonel Milam and Dr. Cameron. On the second or third day of his journey he was arrested in a mountain pass, and sent, with all his party, a prisoner to Monterey in New Leon, from whence they were ordered to be transferred to the dungeons of the castle of San Juan D'Ulloa, at Vera Cruz. Fortunately, Milam escaped at Monterey, and the others on their way to Saltillo, and eventually all reached Texas in safety. The State authorities were deposed by a resolution of the General Congress, the decrees of the session of 1835 annulled, and those members of the legislature who remained in Coahuila arrested by military order, imprisoned, and ultimately banished.

The unjustifiable acts of the State Legislature, its dispersion and the encroachments of the military, produced great excitement and confusion in Texas, which were increased by disturbances arising out of opposition to the vexatious mode of collecting the Customs' duties, as well as to the amount of those duties, which was oppressive to the merchants and colonists. In the autumn of 1834 a revenue officer with a guard of forty men had been stationed at Anahuac. A number of persons assembled at this place, seized the collector, disarmed the troops, and forced them to withdraw to San Felipe. The actors in this high-handed affair, the disappointed land

speculators, and all the turbulent and ambitious adventurers in the country, clamoured for an open and immediate rupture with the General Government, but the great majority of the colonists still opposed violent measures, condemned the aggression at Anahuac, declared themselves ready to discharge their duty as faithful citizens of Mexico, attached by inclination and interest to the Federal Compact, and humbly sustaining their position until the Federal Congress should legally admit them to the rights of a separate State. The war party alarmed the colonists with fearful accounts of the arbitrary projects and military preparations of Santa Anna: their opponents deprecating rumours which had a most pernicious effect on emigration and the public welfare, formed committees and promulgated addresses to the people, through their Political Chiefs, allaying popular apprehension by citing the official communications of the Commandant-General Cos, and Colonel Ugartechea, Commandant of Bexar, which "breathed throughout peace and harmony." The latter declared that "the colonists had nothing to fear from the introduction of troops, which had no other object than to place detachments at the ports, to suppress the smuggling trade, and to prevent the incursions of the Indians, who, when not chastised, became every day more insolent." Publicity was also given by Wylie Martin, the Political Chief of the Brazos, to the following extract from a letter from Colonel Austin, dated Mexico, March 10, 1835:—"The *territorial* question is now *dead*. The advocates of that measure are now strongly in favour of a State Government, and the subject is before Con-

gress. A call has been made upon the President for information on the subject; and I am assured the President will make his communication in a few days, and that it will be decidedly in favour of Texas and the State."

The bulk of the colonists, consisting of quiet husbandmen, to whose prosperity, peace was all-important, were tranquillised by assurances which harmonised with their wishes. Their indignation against the State Legislature, in consequence of the unprincipled sale of the public lands rendered them indifferent to its fate, and they consoled themselves with the hope that they would, ere long, obtain the benefits of good local government by the acknowledgment of Texas as an independent member of the Mexican Union. It was not until the course of events demonstrated the fallacy of this hope that they yielded to despondency or dreamt of resistance. The first circumstance which awakened suspicion in the minds of the peaceable settlers, regarding the intentions of the General Government, arose out of the attack on the revenue post at Anahuac.

This unwarrantable act was the joint work of some American traders at Galveston and a few Texans, and was neither sanctioned nor palliated by the colonists at large. On the 1st of June, 1835, the Ayuntamiento of Liberty, in the Department of Nacogdoches, "having been informed of the difficulties existing between some of the merchants and the collector of the maritime custom-house of Galveston, in relation to the collection of duties imposed on foreign wares, goods, and merchandise, and being desirous to put a speedy period to these dissensions,"

issued a manifesto, in conformity with the 155th article of the State Constitution, indicating to "all the good people of every jurisdiction that a prompt obedience to the laws is the first duty of every good citizen; that every nation enjoys the undoubted right to establish its own system of revenue; that the revenue laws, like all other political laws, are to be respected by those who come within the legitimate sphere of their action; and although these laws may be unwise, yet to resist them by force is more unwise and ill-timed than the laws themselves: besides, it would be criminal." * * * "We are willing to admit that these duties, when applied to the peculiar condition of the colonists, are disproportionate in some particulars, and oppressive in others, and stand in great need of modification; but this modification is only to be effected by the National Congress." * * * * "This Ayuntamiento, therefore, with great solicitude and determination, caution all persons against using any force, violent threats, or illegal means, against the collector of the maritime customs of Galveston, in the discharge of his official duties; or against any of his officers, or other persons lawfully employed in the custom-house department. And we call upon all officers, both civil and military, to lend their aid, if required, to sustain the revenue officers at Galveston and Anahuac, in discharging their respective official duties. And we, moreover, enjoin it as a duty incumbent on the Commissaries and other officers of police in Texas to use their best exertions to suppress and prevent all mobs, riots, threats, or disorderly conduct against good order and public tranquillity; or against any

of the public functionaries, or other individuals of this municipality who may be engaged in preserving the laws and the constitution of their country inviolate; and to give timely notice of any such malconduct, together with the names of those who may be engaged therein, to the competent authorities." In defiance of this notification, the malcontents assailed the collector at Anahuac, and having accomplished their object, dispersed before the authorities could take measures to repel or arrest them. The Political Chief of the Brazos and the Central Committee of the Departments of Brazos and Bexar not only condemned this lawless aggression, but hospitably entertained the ejected commandant of Anahuac and his men, and, as he could not be prevailed upon to return to his post, assisted him, according to his request, to proceed with the troops to Bexar.*

An exaggerated account of the proceedings at Anahuac having reached General Cos, he despatched Captain Thompson, a naturalised citizen of Mexico, in the war schooner Correo, to Galveston, to inquire into the circumstances of the affair, and report as soon as possible the result of his investigation at Matamoros. Thompson proved himself altogether unfit for his mission. Instead of instituting an inquiry into the facts of the alleged outrage, he assumed the character of a blustering dictator, exceeded his orders, and, under the pretext of protecting the revenue, attacked and captured a vessel in the Texan trade. This had the effect of irritating

* Address to the People of Texas by Wylie Martin, Political Chief of the Brazos, August 15th, 1835.

the public mind against both Thompson and the government, and the former having continued to linger on the coast, a merchant vessel, the San Felipe, fitted out with cannon at New Orleans, and commanded by Captain Hurd, captured the Correo, and sent it with its commander to New Orleans, on a charge of piratically interrupting the trade of Mexico and the United States. The insolent assumption of authority by Thompson, on the one side, and the insulting seizure of a Mexican vessel of war, on the other, operated injuriously on the relations subsisting between the general government and Texas, and imparted greater boldness to the section of Anglo-Americans who desired to bring on an open rupture.

Notwithstanding the soothing professions of Cos and Ugartechea and the really pacific inclinations of the majority of the Texans, it was apparent in August that a collision was at hand. It was reported that Santa Anna was concentrating troops at Saltillo for the invasion of Texas; and the conduct of his partisan, Colonel Nicholas Condey, commandant of Goliad, served to confirm the rumour. This man commenced his rule by imprisoning the Alcalde and extorting from the Collector of Customs (*Administrador*) the sum of 5,000 dollars, on pain of being sent under arrest to Bexar. The arms deposited with the local authorities were seized, citizens were pressed into the ranks as soldiers, and troops were forcibly quartered on the people. The refusal of the Texans to deliver up an exiled Federal leader, Lorenzo de Zavala, and some of the fugitives from Monclova, at the demand of their political ene-

mies, was deemed a sufficient pretext for increasing the military. Zavala, who became a prominent actor in Texan affairs, was a native of the Mexican State of Yutacan, and was elected a delegate to represent his country in the Spanish Cortes. After the revolution, he played a conspicuous part in the Mexican Congress, and was successively Governor of the State of Mexico and Minister of Finance. In 1828-9, he united with Santa Anna and Lobato in maintaining the cause of Federalism, then represented by Guerrero. He adhered to Santa Anna so long as that intriguing soldier remained true to federal principles. At the time when the first advances towards Centralism were made by his old associate, Zavala was minister from the Mexican Republic to France. Informed of Santa Anna's faithlessness to his principles and party, he resigned his office, being unwilling to represent a government whose head had sacrificed the public liberties to his personal ambition.* Retiring from France, he went a voluntary exile to Texas, where, having relinquished his high station, he came "to establish himself among free citizens," and to cultivate the lands he had previously purchased. He was residing on his estate, on the San Jacinto River, when demanded by Santa Anna, whose vindictiveness he had awakened by a spirited letter accompanying

* *Habiendo obtenido del General Santaña la comision de Ministro Plenipotenciario cerca de S. M el Rey de los Frances es hic-è dimision de este encargo tan luego como llegó á mi noticia haber disuelto el Congreso y arrogadose todos los poderes.*—Opinion of Don Lorenzo de Zavala on the political condition of the Mexican United States, addressed to a Meeting of the Citizens of Lynchburg, in Texas, August 7th, 1835.

his resignation of the French embassy, in which he told the Dictator that "formerly he owed his success in arms to the justice of his cause, but now that his cause was a bad one, liberal principles would put him down."

Zavala's position and experience gave him an early and accurate perception of Santa Anna's revolutionary schemes. The Plan of Toluca, published in June, calling for a change of the Mexican Government from a Federal to a Central Republic, was, he knew, the certain prelude to the subversion of the constitutional compact. In the critical situation of their affairs, his counsels were of value to the Texans, who, in the beginning of September, had the additional good fortune to witness the return of their ablest adviser, Stephen Austin, with whom Zavala zealously co-operated.

On the 8th of September Mr. Austin, after an absence of nearly two years and a half, and an imprisonment of many months, attended a public dinner at Brazoria, in honour of his return. In a speech delivered by him on that occasion, he explained his conduct as agent for Texas, stated the political difficulties in which the country was entangled, and recommended union and deliberation:

"I left Texas," said Mr. Austin, "in April, 1833, as the public agent of the people, for the purpose of applying for the admission of this country into the Mexican Confederation as a State separate from Coahuila. This application was based upon the constitutional and vested rights of Texas, and was sustained by me in the city of Mexico to the utmost of my abilities. No honourable means were spared to effect the objects of my mission, and to oppose the forming of Texas into a Territory, which was attempted.

I rigidly adhered to the instructions and wishes of my constituents, so far as they were communicated to me. My efforts to serve Texas involved me in the labyrinth of Mexican politics: I was arrested, and have suffered a long persecution and imprisonment. I consider it to be my duty to give an account of these events to my constituents, and will therefore at this time merely observe that I have never, in any manner, agreed to anything, or admitted anything, that would compromise the constitutional or vested rights of Texas. These rights belong to the people, and can only be surrendered by them.

"I fully hoped to have found Texas at peace and in tranquillity, but regret to find it in commotion; all disorganised, all in anarchy, and threatened with immediate hostilities. This state of things is deeply to be lamented; it is a great misfortune, but it is one which has not been produced by any acts of the people of this country; on the contrary, it is the natural and inevitable consequence of the revolution that has spread all over Mexico, and of the imprudent and impolitic measures both of the General and State Governments with respect to Texas. The people here are not to blame, and cannot be justly censured. They are farmers, cultivators of the soil, and are pacific from interest, from occupation, and from inclination. They have uniformly endeavoured to sustain the Constitution and the public peace, and have never deviated from their duty as Mexican citizens. If any acts of imprudence have been committed by individuals, they evidently resulted from the revolutionary state of the whole nation, the imprudent and censurable conduct of the State authorities, and the total want of a local government in Texas. It is, indeed, a source of surprise and creditable congratulation, that so few acts of this description have occurred under the peculiar circumstances of the times. It is, however, to be remembered that acts of this nature were not the acts of the people, nor is Texas responsible for them. They were, as I before observed, the natural consequences of the revolutionary state of the Mexican nation; and Texas certainly did not originate that revolution, neither have the

people, as a people, participated in it. The consciences and hands of the Texans are free from censure, and clean.

"The revolution in Mexico is drawing to a close. The object is to change the form of government, destroy the Federal Constitution of 1824, and establish a Central or Consolidated Government. The States are to be converted into provinces.

"Whether the people of Texas ought or ought not to agree to this change, and relinquish all or a part of their constitutional and vested rights under the Constitution of 1824, is a question of the most vital importance, one that calls for the deliberate consideration of the people, and can only be decided by them, fairly convened for the purpose. As a citizen of Texas I have a right to an opinion on so important a matter—I have no other right, and pretend to no other. In the report which I consider it my duty to make to my constituents, I intend to give my views on the present situation of the country, and especially as to the constitutional and natural rights of Texas, and will, therefore, at this time, merely touch this subject.

"Under the Spanish government, Texas was a separate and distinct province. As such it had a separate and distinct local organization. It was one of the unities that composed the general mass of the nation, and as such participated in the war of the revolution, and was represented in the Constituent Congress of Mexico that formed the Constitution of 1824. This Constituent Congress, so far from destroying this unity, expressly recognised and confirmed it by the law of May 7th, 1824, which united Texas with Coahuila *provisionally*, under the especial guarantee of being made a State of the Mexican Confederation, as soon as it possessed the necessary elements. That law and the Federal Constitution gave to Texas a specific political existence, and vested in its inhabitants special and defined rights, which can only be relinquished by the people of Texas, acting for themselves as a unity, and not as a part of Coahuila, for the reason that the union with Coahuila was *limited*, and only gave power to the State of Coahuila and Texas to govern Texas for the time being, *but always*

subject to the vested rights *of Texas.* The State, therefore, cannot relinquish those vested rights, by agreeing to the change of government, or by any other act, unless expressly authorised by the people of Texas to do so; neither can the General Government of Mexico legally deprive Texas of them without the consent of this people. These are my opinions.

"An important question now presents itself to the people of this country.

"The Federal Constitution of 1824 is about to be destroyed, the system of government changed, and a central or consolidated one established. Will this act annihilate all the rights of Texas, and subject this country to the uncontrolled and unlimited dictation of the new government?

"This is a subject of the most vital importance. I have no doubt the Federal Constitution will be destroyed, and a Central Government established, and that the people will soon be called upon to say whether they agree to this change or not. This matter requires the most calm discussion, the most mature deliberation, and the most perfect union. How is this to be had? I see but one way, and that is by a General Consultation of the people by means of delegates elected for that purpose, with full powers to give such an answer, in the name of Texas, to this question, as they may deem best, and to adopt such measures as the tranquillity and salvation of the country may require.

"It is my duty to state that General Santa Anna verbally and expressly authorised me to say to the people of Texas that he was their friend, that he wished for their prosperity, and would do all he could to promote it; and that, in the new Constitution, he would use his influence to give to the people of Texas a special organization suited to their education, habits, and situation. Several of the most intelligent and influential men in Mexico, and especially the Ministers of Relations and War, expressed themselves in the same manner. These declarations afford another and more urgent necessity for a General Consultation of

all Texas, in order to inform the General Government, and especially General Santa Anna, what kind of organization will suit the education, habits, and situation of this people.

"It is also proper for me to state that, in all my conversation with the President, and Ministers, and men of influence, I advised that no troops should be sent to Texas, and no cruisers along the coast. I gave it as my decided opinion, that the inevitable consequence of sending an armed force to this country would be war. I stated that there was a sound and correct moral principle in the people of Texas that was abundantly sufficient to restrain or put down all turbulent or seditious movements, but that this moral principle could not and would not unite with any armed force sent against this country: on the contrary, it would resist and repel it, and ought to do so. This point presents another strong reason why the people of Texas should meet in General Consultation. This country is now in anarchy, threatened with hostilities; armed vessels are capturing everything they can catch on the coast, and acts of piracy are said to be committed under cover of the Mexican flag. Can this state of things exist without precipitating the country into a war? I think it cannot, and therefore believe that it is our bounden and solemn duty, as Mexicans and as Texans, to represent the evils that are likely to result from this mistaken and most impolitic policy in the military movements.

"My friends, I can truly say that no one has been, or is now, more anxious than myself to keep trouble away from this country. No one has been, or now is, more faithful to his duty as a Mexican citizen, and no one has personally sacrificed or suffered more in the discharge of this duty. I have uniformly been opposed to have anything to do with the family political quarrels of the Mexicans. Texas needs peace and a local government; its inhabitants are farmers, and they need a calm and quiet life. But how can I, or any one, remain indifferent when our rights, our all, appear to be in jeopardy, and when it is our duty, as well as our obligation, as good Mexican citizens, to express

our opinions on the present state of things, and to represent our situation to the government? It is impossible. The crisis is such as to bring it home to the judgment of every man that something must be done, and that without delay. The question will perhaps be asked, what are we to do? I have already indicated my opinion. Let all personalities, or divisions, or excitements, or passion, or violence, be banished from among us. Let a General Consultation of the people of Texas be convened as speedily as possible, to be composed of the best, and most calm, and intelligent, and firm men in the country, and let them decide what representations ought to be made to the General Government, and what ought to be done in future."

The character and services of Stephen Austin caused his opinions to be readily adopted by the colonists, who organised Committees of Safety and Vigilance, and resolved to insist on their rights under the Federal Constitution of 1824, and the laws of the 7th of May of that year. Austin was appointed chairman of the Committee of Safety for the jurisdiction of his own colony, which held its meetings at San Felipe. Information of "the most positive character" reached this Committee, which clearly established the intention of the dominant party in Mexico to introduce military government into Texas, the invasion of which was a common theme of conversation among the Mexican officers. "Infantry, artillery, and cavalry had been ordered from San Luis Potosi, Saltillo, and Tamaulipas, and all the disposable infantry at Campeachy had also been ordered on to Texas by water, as it was supposed they would stand the climate better than other troops. Magazines of arms and ammunition were forming at Matamoros, Goliad, and Bexar, and the old barracks and fortifications at the last-

named place were undergoing repairs to receive a large force." Falcon, who had been constitutionally installed as successor to Viesca in the government of the State, was deposed by the military, and a governor appointed by Santa Anna. Instructions had been issued by General Cos to Colonel Ugertechea, Commandant of Bexar, to march into the colonies and take Zavala and the other proscribed Mexicans, be the consequences what they might. In addition to this meditated outrage on the laws and Constitution, and virtual nullification of the civil authorities, Cos issued an order requiring the citizens of Brazoria, Columbia, Velasco, and other places, to surrender their arms, thus providing for their complete prostration to military sway. It was known that Cos himself was expected at Bexar with a reinforcement of troops, and it was believed that he intended to sow dissensions among the colonists, attack them when disunited, and "break up the foreign settlements in Texas." Satisfied that the moment for decisive action had arrived, the Committee of Safety for the jurisdiction of Austin issued a circular, dated September 19th, and signed by their chairman, containing the following recommendations to the colonists:—

"That the people should maintain the position taken by them at their primary meetings—to insist on their rights under the Federal Constitution of 1824, and the law of the 7th of May of that year, and union with the Mexican Confederation.

"That every district should send members to the General Consultation, with full powers to do whatever may be necessary for the good of the country.

"That every district should organise its militia, where

it is not already done, and hold frequent musters; and that the captains of companies make a return, without delay, to the chief of this department, of the force of his company, and of its arms and ammunition, in order that he may lay the same before the General Consultation of Texas. Volunteer companies are also recommended.

"This committee deem it to be their duty to say that, in its opinion, all kind of conciliatory measures with General Cos and the military at Bexar are hopeless, and that nothing but the RUIN of Texas can be expected from any such measures. They have already, and very properly, been resorted to without effect. WAR is our only resource. There is no other remedy. We must defend our rights, ourselves, and our country, by force of arms. To do this we must unite—and in order to unite, the delegates of the people must meet in General Consultation, and arrange a system of defence, and give organization to the country, so as to produce concert. Until some competent authority is established to direct, all that can be done is to recommend this subject to the people, and to advise every man in Texas to prepare for war, and lay aside all hope of conciliation."

The arrival of General Cos at Copano, with 400 men, (all the disposable force at Matamoros), and his march to Bexar, verified the anticipations of the Texans. The Alcalde of Goliad was struck by a Mexican officer for not being able to procure means of transport as quickly as they were required. The soldiers boasted that they would soon visit the colonists and help themselves to their property, and the officers said the entrance of Cos into Bexar would be the signal of march for San Felipe de Austin. The General had a guard of thirty men with him, and the Morelos division of lancers was close at his heels. He had about 60,000 dollars in specie for the purpose of paying the troops; and he in-

formed the Alcalde of the Nueces district that he intended to overrun Texas, and establish custom-houses and detachments of his army where he thought proper.* A letter from Bexar to the Central Committee at San Felipe intimated that the people must either submit to military control or prepare for defence, as it was the intention of Cos to march into the colonies and regulate their affairs by force.

The first hostile movement of the Mexican troops was directed against Gonzalez. In conformity with his intructions to disarm the colonists, Colonel Ugartechea demanded from the municipality of Gonzalez a piece of cannon which had been four years in the town, and which was not required for the defence of Bexar, where there were eighteen pieces of unmounted artillery, in addition to those on the walls. The Alcalde of Gonzalez, with the approbation of the people, refused to deliver up the cannon, under the impression that the demand was only made to afford a pretext for a "sudden inroad and attack upon the colony, for marauding and other purposes." Anticipating that Ugartechea would support his requisition by force, the settlers applied, on the 25th of September, for aid to the Committee of Safety at Mina, who referred the application to the Central Committee at San Felipe. On the 29th of September, Stephen Austin, on behalf of the Central Committee, informed the inhabitants of Gonzalez that, as the movements of the people of Texas were of a voluntary character, in defence of their constitutional rights, which were

* Private letter from La Baca, dated October 1st, 1835.

threatened by military invasion, they were justified in detaining the piece of cannon which was given to them by the authorities of a constitutional government to defend themselves, and the Constitution if necessary. On this principle they would be assisted, if attacked, by the inhabitants of other districts, and companies of volunteers had already marched to their aid, and more were in readiness, should they be needed. The Committee suggested that, inasmuch as the position taken up by the country was purely defensive, it was very important to keep this point constantly in view, and to avoid aggressive operations, "unless they should be necessary as a measure of defence."

On the 3rd of October the Committee at San Felipe addressed a circular to the people of Texas, reciting the arbitrary and revolutionary acts of the governing party in Mexico, and exposing the nature of its designs against Texas. This party had stated, through the Minister of Interior Relations, that

"—In the new Constitution or Central Government then being organised, guarantees shall be given to the people of Texas, their rights shall be protected and secured, and they are told that the government expects from their 'docility' a submission to all the reforms and alterations that may be agreed to by the majority of the nation.—But who compose, and what is this majority of the nation spoken of by the minister, and how are these reforms to be effected? It is composed of the same military powers, who have assumed the voice of the nation, and have suppressed the free expression of public opinion, and the reforms are to be effected by *unconstitutional means*—a sufficient proof of which is, that the present Congress in Mexico, which was elected with constitutional powers alone, have, by their own act, declared themselves to be invested with the powers of

a National Convention, to frame a new Constitution, or reform that of 1824, as they think proper.

"It is well known to all, that the reforms spoken of by the minister, and now being made in Mexico, contemplate the abolition of the whole Federal system, the establishment of a Central or Consolidated Government, which is to absorb and swallow up all the powers and authorities of the nation; military commandancies will supply the place of the State Governments, and the vested rights of Texas under the Constitution and the law of May 7, 1824, are to be disregarded and violated.

"Ought, or can, or will the people of Texas submit to all this? Let each man study the subject, and answer for himself. If he will submit, let him go to the military power and prostrate himself. If he will not submit, let him give his answer from the mouth of his rifle!

"In regard to the present movements of the military, the letter from Gonzales, and extracts from other letters of unquestionable faith, will inform the public. By these letters, the people of Texas are informed that their fellow-citizens at Gonzalez *have been attacked—the war has commenced!* They will also perceive that General Cos has arrived with a reinforcement of troops, and is preparing for a campaign of extermination against the people of Texas.

"The head-quarters of THE ARMY OF THE PEOPLE for the present is at Gonzalez. It is already respectable in numbers, and invincible in spirit.

"This Committee exhorts every citizen who is yet at home, to march as soon as possible to the assistance of his countrymen now in the field. The campaign is opened. Texas must be freed from military despots before it is closed."

A detachment of about 200 Mexican cavalry from Bexar arrived on the western bank of the Guadalupe, on the 20th of September, and attempted the passage of the river, but were repulsed by eighteen men under Captain Albert Martin—the whole of the available force then at Gonzalez. The Mexicans

encamped on a mound until the 1st of October, when they removed and assumed a strong position seven miles above the town. The Texans suspecting that their object was to await a reinforcement from San Antonio de Bexar, or to pass the river at the "upper crossing," about fifteen miles above, determined to forestall their arrangements by an immediate attack.

The Texan force at Gonzalez had been increased by volunteers from the Guadalupe, La Baca, and Colorado, to 168 men, of whom fifty were mounted: in an election for field-officers, they chose John H. Moore, colonel, and J. W. E. Wallace, lieutenant-colonel. About seven o'clock in the evening of the 1st, they crossed the river Guadalupe. The line of march was formed by "placing the cavalry in advance of the cannon (the brass six-pounder claimed by Ugartechea), two companies of flankers in open column on each side, with a company of infantry in the rear." They moved regularly and in silence, until the Mexicans, alarmed by a shot from one of their piquets, formed in order of battle on a high mound. This was about four o'clock in the morning, during the prevalence of a thick fog, under cover of which the Texans advanced on the open prairie, until they were within about three hundred and fifty yards of the enemy. The scouts in front having discharged their rifles, retired into the main body, closely pursued by a small detachment of Mexicans. The six-pounder was now brought to bear upon the entire force of the enemy, who fell back to a position distant between three and four hundred yards. The Texans advanced in good order, when Castonado,

the Mexican commander, conveyed, through a prisoner, his desire for a conference, which was granted. Having inquired the reason of the attack by the colonists, he was referred to his orders, which commanded him to take by force the cannon that had been presented to the citizens of Gonzalez, for the defence of the Constitution, by the constituted authorities under the Confederation, who alone were entitled to their obedience. He, they said, was the instrument of Santa Anna, who had overturned the rights of all the States except Texas, for whose constitutional privileges they were determined to fight to the last. The conference terminated without an adjustment, and the commanders joined their respective ranks. The Gonzalez six-pounder resumed its fire, and the Texans advanced in double-quick time until within about two hundred yards of the enemy, when the latter retreated precipitately on the road to San Antonio de Bexar, having sustained a considerable loss in killed and wounded. The Texans, of whom not a man was injured, remained masters of the field, and having collected the spoils of victory returned in triumph to Gonzalez.

Inspirited by this success, the colonists resolved to attack the Mexicans in their strongholds of Goliad and San Antonio. As an encouragement to volunteers from Central and Eastern Texas, a letter from David B. Macomb, one of the party at Gonzales, published in the Texan papers, furnished a cheering picture of the commissariat, and stimulated the pride of his fellow-countrymen.—" We are well supplied," writes David, " with beef and bread, and corn for our horses. We have a grist-mill, which has been

repaired by our men, and we are now in abundance. We shall grind plenty of meal in advance for those that are coming. In fine, the Anglo-American spirit appears in everything we do—quick, intelligent, and comprehensive; and while such men are fighting for their rights, they may possibly be overpowered by numbers, but, if whipped, they won't stay whipped."

Expresses were forwarded by Stephen Austin to the people of the eastern municipalities, urging them to join their friends in the Department of the Brazos, who were animated by one spirit for the common purpose of taking Bexar, and driving all the military out of Texas before the close of the campaign.—"Arms and ammunition," said Austin. "are needed; we have more men than guns. Could not some muskets be forwarded from the other side of the Sabine? This Committee will contribute, and is responsible that the people here will do the same, to pay a full proportion of the expense. This is all-important: a few waggon-loads of muskets and ammunition would be of the utmost service at this time. Could not volunteers also be had from the United States? Our cause is one that merits the moral and physical aid of a free and magnanimous people, and those who now step forward may confidently expect that Texas will reward their services."

While the colonists were actively engaged in preparations for the defence of their rights under the Federal Constitution of 1824, measures for annulling that compact were advancing to maturity in Mexico. In July, the General Congress met in the capital and resolved itself into a Constituent Con-

gress, with power to effect organic reforms. It decreed by a large majority that a central form of government should be adopted, and appointed a committee to report a Constitution. The committee reported that there should be a Supreme Chief to rule the nation, who should be elected for eight years, and be re-eligible for life—that the Senate should be composed of twelve members—six generals and six bishops, to be appointed by the Chief—that the Representative Chamber should be elected by persons owning a certain amount of property; and that the States should be called Departments, to be governed by a military commandant and a bishop. On the 3rd of October, 1835, the acting President of Mexico, General Barragan, issued the following decree, which abolished the legislative powers of the several States and established a Central Republic.

[Decree of the 3rd October, 1835.]

"*Office of the First Secretary of State, Interior Department.*

"His Excellency the President *pro tem.* of the Mexican United States to the Inhabitants of the Republic. Know ye, that the General Congress has decreed the following:

"ART. 1. The present governors of the States shall continue, notwithstanding the time fixed by the Constitution may have expired; but shall be dependent for their continuance in the exercise of their attributes upon the Supreme Government of the nation.

"ART. 2. The legislatures shall immediately cease to exercise their legislative functions: but before dissolving, (and those which may be in recess meeting for the purpose,) they shall appoint a Department Council, composed, for the present, of five individuals, chosen either within or without their own body, to act as a council to the governor; and in case of a vacancy in that office, they shall propose to

the Supreme General government three persons possessing the qualifications hitherto required: and until an appointment be made, the gubernatorial powers shall be exercised by the first on the list who is not an ecclesiastic.

"ART. 3. In those States where the legislature cannot be assembled within eight days, the Ayuntamiento of the capital shall act in its place, only for the purpose of electing the five individuals of the Department Council.

"ART. 4. All the judges and tribunals of the States, and the administration of justice, shall continue as hitherto, until the organic law relative to this branch be formed. The responsibilities of the functionaries which could only be investigated before Congress, shall be referred to, and concluded before the Supreme Court of the nation.

ART. 5. All the subaltern officers of the State shall also continue for the present (the places which are vacant, or which may be vacated, not to be filled), but they, as well as the officers, revenues, and branches under their charge, remain subject to, and at the disposal of, the Supreme Government of the nation, by means of the respective Governors.

"Palace of the Federal Government in Mexico, Oct. 3rd, 1835.

"MIGUEL BARRAGAN,
"A. D. MANUEL DIEZ DE BONILLA."

This decree was regarded by the Anglo-Americans as a monstrous perversion of power, destructive of all their hopes of good local government. Their State Legislature being dispersed, it conferred the right of appointing a governor and council, with enlarged authority, on the petty corporation of Monclova. The case would have been similar had the Congress of the United States of the North passed an act authorising the corporation of Albany (in the absence of the State Legislature) to nominate a Council of Government for the State of New York, which

was henceforth to be deprived of its administrative privileges, and to become a Department of a consolidated government, like the Departments of France. The decree was opposed by constitutional protests and armed resistance, by the Federalists of Guadalaxara, Oaxaca, and other Mexican States, but Santa Anna and the soldiery succeeded in putting down these insulated popular movements. The last division of the Republic to be coerced was Texas, which, destitute of numerical strength, regular troops and pecuniary resources, resolved to battle for its guaranteed rights against the government of a nation possessing a population of nine millions.

"Like our fathers of the Revolution," said the Colonists, "we have sworn to live free or die—like our fathers of 1776, we have pledged to each other our lives, fortunes, and sacred honors—and have vowed to drive every Mexican soldier beyond the Rio Grande, or whiten the plains with our bones."*

* Address of the General Council to the People of Texas.—San Felipe de Austin, October 23, 1835.

CHAPTER X.

Texan preparations for Defence—Advice of Zavala—Appointment of a General Council—Offensive operations of the Colonists—Capture of Goliad—Milam—Advance of the main Army under Stephen Austin to Bexar—Battle of the Conception—American rencounter with Texan Indians—The Bowie Knife—Meeting of the General Consultation of Texas—Election of a Provisional Government—The Grass Fight—Affair at Lepantitlan—Stephen Austin's retirement from the Army, and Report to the Provisional Government—Call of a new Convention.

ONCE embarked in the contest with the military innovators of Mexico, the Texans were indefatigable in preparations for defence. In the Department of Nacogdoches resolutions were passed for raising an armed levy, and Samuel Houston, who was appointed general of the Department, announced that liberal bounties of land would be given to all volunteers who should join his standard "with a good rifle and one hundred rounds of ammunition." The volunteers of the Department were requested forthwith to organise under the direction of the Committee of Vigilance and Safety, in companies of fifty men each, who were to elect their officers and report to head-quarters, unless ordered on special service. Meetings favourable to the cause of the Texans were held at Natchitoches and New Orleans; and, at the latter place, a committee was appointed to communicate with the Provisional Government of Texas, and procure supplies of men and money. Through its en-

deavours, the sum of 7,000 dollars was soon subscribed, and two volunteer companies, amounting to 115 men, raised and equipped. Deficient in all the resources requisite for war, except moral energy and courage, the Colonists themselves contributed, from their private means, whatever was calculated to be of use to the troops. Leaden water-pipes and clock-weights were melted down for ammunition, and even the women cheerfully assisted in moulding bullets and making cartridges. To secure the frontier settlers from the attacks of hostile Indians, persons were empowered to contract with and employ three companies of rangers, at the daily rate of one dollar and a quarter each, to scour the country between the Colorado and the Brazos, the Brazos and the Trinity, and the exposed district east of the Trinity.

While exertions were made to create a military force, the organization of an efficient and satisfactory form of civil government was not neglected. On the 8th of October, Stephen Austin left San Felipe, to assume the command of the little army at Gonzalez, and his place, as Chairman of the Central Committee of Safety, was filled by Lorenzo de Zavala, who had declared in August that "the fundamental compact having been dissolved, and the guarantees of the civil and political rights of citizens having been destroyed, it was incontestable that all the States of the Mexican Confederation were left at liberty to act for themselves, and to provide for their security and preservation, as circumstances might require. Coahuila and Texas formed a State of the Republic, and as one part of it was occupied by an

invading force, the free part of it should proceed to organise a power which would restore harmony and establish order and unanimity in all the branches of the public administration, which would be a rallying point for the citizens, whose hearts were trembling for liberty. But, as this power could only be organised by means of a convention which should represent the free-will of the citizens of Texas, he recommended this step, and suggested the 15th of October, as affording sufficient time to allow all the Departments to send their representatives." In pursuance of Zavala's advice, the municipalities proceeded to choose representatives to attend a General Consultation of all Texas. On the 16th of October a number of delegates (not sufficient to form a quorum) assembled at San Felipe; but, in consequence of the absence of members who had withdrawn to join the army for repelling Mexican invasion, it was resolved, in accordance with the expressed wish of Austin and the officers at Gonzalez, that the meeting of the Consultation should be postponed until the 1st of November. To meet the emergency of affairs—"Texas being without a head"—a council was formed on the 11th, under the name of the General Council of Texas, to which the delegates to the Consultation who were not prepared to join the army, were attached, each municipality being requested to send a representative. Among other proceedings, the Council adopted a resolution to recommend the Consultation to annul the "extensive land grants made by the Legislature of Coahuila and Texas since 1833, which had been purchased by certain individuals under the most suspicious

circumstances." Three commissioners were appointed to treat with the Cherokees and other Northern Indians, and persons were authorised to contract and receive loans, at a rate not exceeding ten per cent. per annum, and to obtain possession and provide for the collection of all public money previously received on behalf of the Mexican government, or the State of Coahuila and Texas. Instructions were issued for suspending the operations of the land offices until the meeting of the Consultation, and a system of weekly mails was organised, and John Rice Jones appointed provisional Postmaster-General of Texas.

The Colonists in the west, notwithstanding their paucity of numbers and limited resources, acted boldly on the offensive. On the 8th a detachment of fifty men, under Captain Collinsworth, attacked and captured the post of Goliad, containing stores to the amount of 10,000 dollars, with two brass cannon and 300 stand of arms. The garrison, which was commanded by Lieutenant-Colonel Sandoval, surrendered after a slight resistance. One Mexican soldier was killed and three wounded, and one Texan slightly wounded. A most valuable addition was made to the military councils of the Colonists, at Goliad, in the person of Colonel Milam, who unexpectedly appeared at this critical period.

Benjamin R. Milam, whose name will long be held in grateful and honoured remembrance by the people of Texas, was born of humble parents in the State of Kentucky, and received but a very imperfect education. "Endowed by nature with a strength of mind and spirit of enterprise almost

peculiar to the inhabitants of the Western States,"* fortified by habits of independence, he associated with the Indian tribes, in order to explore the more southerly parts of Texas. In the war with Great Britain, in 1812-15, he acquired a high reputation among his countrymen; but, dissatisfied with the prospects that awaited him in his native State, at the close of that contest, he engaged in the struggle for Mexican liberation, and was quickly distinguished for courage, activity, zeal, and love of freedom. Opposed to the usurpation of Iturbide, he was arrested and imprisoned; but eventually released by a rising of the people. Having assisted in the expulsion and punishment of the military emperor, he obtained, in 1828, a government grant of land in Texas.† His escape, after being taken with the Governor, Viesca, has been already mentioned. Shunning the habitations of the Mexicans, and traversing unfrequented paths for a distance of 600 miles, with a few scanty articles of food provided at the place of his confinement, he had arrived near the town of Goliad, and threw himself, faint, and almost exhausted, among the tall grass of the prairie. The approach of armed men arrested his attention, and presuming them to be his Mexican pursuers, he determined to defend himself to the last, and only surrender liberty with life. To his astonishment and joy, he discovered the advancing force to be his fellow-colonists of Texas, who were marching against Goliad. He entered the ranks of

* General Wavel, in the Appendix to Ward's Mexico.

† According to Mrs. Holley, Milam disposed of his interest in this grant to Messrs. Baring and Co., London.

the volunteers as a private soldier, although accustomed and well qualified to command, and was foremost in the assault on Goliad—remaining with the army after the capture of the fort, in the same humble grade, as an example to those who might aspire to lead before they had learned to obey.

On the 11th of October, the "Western Army" of the Colonists was organised at head-quarters on the right bank of the Guadalupe. Stephen Austin was elected Commander-in-Chief, and, on the 13th he moved towards Bexar, which he proposed to reduce, although strongly garrisoned by Mexican soldiers, under General Cos, while the whole Texan force did not exceed 300 men. Feeling the necessity of additional strength, Austin wrote to the Committee of Safety at San Felipe, begging them to urge the Eastern Volunteers "to hurry on by forced marches" to join him, and "not to stay for cannon, or for any thing." He also solicited supplies of ammunition, with provisions and other necessaries for the troops.

On the 20th the Texans reached the Salado Creek, about five miles from Bexar, where they took up a secure position to await the arrival of reinforcements. Cos refused to receive a flag of truce from Austin, or to acknowledge him in a military capacity, announcing his intention to fire on a second flag, if sent. After the fall of Goliad, the Mexicans had used strenuous exertions to fortify San Antonio de Bexar, so that it seemed idle for the Colonists to attempt its reduction, without a considerable accession of numbers and a supply of

artillery; the former of which was expected from Eastern Texas, the latter from the United States.

While posted at the Salado, the Colonists had some skirmishing with the Mexicans, in which the latter were invariably worsted. On the 27th of October Colonel James Bowie and Captain J. W. Fannin, in compliance with the order of General Austin, proceeded with a detachment of ninety-two men, rank and file, under their joint command, to examine the old Missions above Espada, and select the most eligible situation near Bexar, for the encampment of the main army. After inspecting the sites of the Missions of San Juan and San José, they proceeded to that of La Purissima Concepcion, distant one mile and a half from San Antonio de Bexar, and selected ground within about five hundred yards of the Mission, in a bend of the river. In front, there lay an almost level plain, the wooded land skirting which formed two sides of a triangle nearly equal in extent. A considerable "bluff," having a precipitate fall of from six to ten feet, and a river "bottom" of from fifty to one hundred yards, broke the regularity of the triangle, and in some degree protected the rear. At this place the detachment lay on their arms during the night of the 27th, which passed quietly off, without the least alarm.

The morning of the 28th was obscured by a fog, so dense as to prevent the picquets from discerning objects not close at hand. About half an hour after sunrise, some Mexican cavalry rode close to the Texan line and fired upon the sentinels. The subsequent details are taken from the official account

of the action rendered by Colonel Bowie to General Austin.

"The men were called to arms, but were for some time unable to discover their foes, who had entirely surrounded the position, and kept up a constant firing at a distance, with no other effect than a waste of ammunition. When the fog rose it was apparent to all that we were surrounded, and that a desperate fight was inevitable, all communication with the main army having been cut off. Immediate preparation was made by extending our right flank (first division) to the south, and placing the second division on the left, on the same side; so that they might be prepared for the enemy should they charge into the angle, and avoid the effect of a cross-fire of our own men, and likewise form a compact body, so that either might reinforce the other at the shortest notice without crossing the angle—an exposed ground, which would have occasioned certain loss. The men, in the mean time, were ordered to clear away bushes and vines under the eminence in the rear, and along the margin of the river, and at the steepest places to cut steps for foothold, in order to afford them space to form and pass, and at suitable places ascend the 'bluff,' discharge their rifles, and fall back to reload. The work was not completed to our wish before the Mexican infantry were seen to advance, with arms trailed, to the right of the first division, and form the line of battle about two hundred yards distance from the right flank. Five companies of cavalry supported them, covering our whole front and flank.

"The engagement commenced at about eight o'clock, A.M., by the deadly crack of a rifle from the extreme right. The action was immediately general. The discharge from the enemy was one continued blaze of fire, whilst that from our lines was more slowly delivered, but with good aim and deadly effect, each man retiring under cover of the hill and timber, to give place to others until he reloaded. The battle had not lasted more than ten minutes, when a brass six-pounder was opened on our line at the distance of about

eighty yards from the right flank of the first division, and a charge sounded. But the cannon was cleared, as if by magic, and a check put to the charge. The same experiment was resorted to with like success three times, the division advancing under cover of the hill at each fire, and thus approximating near the cannon and victory. 'The cannon and victory,' was truly the war-cry; the enemy only fired it five times, and it had been three times cleared, and their charge as often broken, when a disorderly and precipitate retreat was sounded and most readily obeyed, leaving the cannon to the victors. Thus a detachment of ninety-two men gained a complete victory over part of the main army of the Central Government, being at least four to one, with only the loss of one brave soldier (Richard Andrews), and none wounded.*

"No invidious distinction can be drawn between any officer or private on this occasion. Every man was a soldier, and did his duty agreeably to the situation and circumstances under which he was placed. At the close of the engagement a piece of heavy artillery was brought up and fired thrice, but at a distance, and by a reinforcement of another company of cavalry, aided by six mules ready harnessed, they got it off. The main army (of Texas) reached us in about an hour after the enemy's retreat. Had it been possible to communicate with you (General Austin) and brought you up earlier, the victory would have been conclusive, and Bexar ours before twelve o'clock."

James Bowie, the writer of the foregoing account of "The Battle of the Conception," had removed with his brother, Razin P. Bowie, from Louisiana to Texas several years before. Both were men of a

* Colonel Bowie estimated the Mexican loss at about sixty killed and forty wounded, the list of killed including many officers. None of the artillery-men escaped unhurt. There was no accurate return of the Mexican loss.

singularly daring and enterprising character. They were actors, with some of their countrymen, in an accidental rencounter with a war-party of Texan Indians, which has been recorded as a remarkable instance of courage, physical endurance, and presence of mind. The Americans (nine men and two boys) left San Antonio de Bexar on the 2nd of November, 1831, for the silver mines of the San Saba River, and were followed by 164 Towackanie and Caddo Indians, "who were determined to have their scalps at all risks." The description of the conflict, which is given in the words of Razin P. Bowie, is so graphic and so illustrative of the hazards of frontier life in the West, that the European reader will hardly consider its introduction a digression from the main subject.

"Their number being so much greater than ours, it was agreed that Razin P. Bowie should be sent to talk with them, and endeavour to compromise rather than attempt a fight. He accordingly started with David Buchanan in company, and walked to within about forty yards of where they had halted, and requested them in their own tongue to send forward their chief. Their answer was, 'How de do? how de do?' in English, and a discharge of twelve shots at us, which broke Buchanan's leg. Bowie returned their salutation with the contents of a double-barrelled gun and a pistol. He then took Buchanan on his shoulder, and started back to the encampment. A heavy fire was opened upon us, which wounded Buchanan slightly in two more places, and pierced Bowie's hunting-shirt, without doing him any injury. When they found their shot failed to bring Bowie down, eight Indians on foot took after him with their tomahawks; but when close upon him were discovered by his party, who rushed out with their rifles and brought down four of them—the other four retreating back to the main body. We returned to our position (in a

cluster of live oak, with bushes about ten feet high on the north, and a stream of water distant about forty yards to the west), and all was still for about five minutes.

"We then discovered an eminence to the north-east, at the distance of about sixty yards, red with Indians, who, with loud yells, opened a heavy fire upon us. Their chief, on horseback, walking his horse perfectly composed, urged them to the charge. When we first discovered him James Bowie cried out, 'Who is loaded?' Mr. Hamm observed, 'I am.' He was then told to shoot the Indian on horseback. He fired and broke his leg, and killed his horse. We now discovered him hopping round his horse on one leg, with his shield on his arm to keep off the balls. By this time four of our party having reloaded, fired at the same instant, and all the balls took effect through the shield. He fell, and was immediately surrounded by six or eight of his tribe, who picked him up and bore him off. Several of these were shot by our party. The whole body of Indians then retreated out of sight, with the exception of a few, who were running about from tree to tree out of gun-shot range.

"[illegible]ow covered the eminence a second time, bringing u[illegible]r bowmen, who had not been in action before, and commenced a heavy fire with balls and arrows, which we returned by a well-directed discharge of our rifles. At this instant another chief appeared on horseback, near the spot where the last one fell. The same question of 'Who is loaded?' was asked; the answer was 'Nobody;' when little Charles, the mulatto servant, came running up with Buchanan's rifle, which had not been discharged since he was wounded, and handed it to James Bowie, who instantly fired, and brought the chief down from his horse. He was borne off, like the last, by six or eight of his tribe under our fire. During the time we were engaged in defending ourselves from the Indians on the eminence, some fifteen or twenty of the Caddo tribe had succeeded in getting under the bank of the stream, in our rear, at about forty yards' distance, and opened a fire upon us which wounded Matthew Doyle, the ball entering the left breast,

and going out at the back. As soon as he cried out he was wounded, Thomas M'Caslin hastened to the spot where he fell, and exclaimed, 'Where is the Indian that shot Doyle?' He was warned by a more experienced hand not to venture there, as from the report of the Indians' guns they must be riflemen. At that instant they discovered an Indian, and M'Caslin was in the act of raising his piece when he was shot through the centre of his body, and expired. Robert Armstrong called out for the Indian that shot M'Caslin, and exposing himself in the same place, was fired at, and part of his gun-stock cut off. During this time our enemies had formed a complete circle around us, occupying the points of rocks, scattered trees, and bushes.

"Finding our situation too much exposed among the trees, we were obliged to leave it and take to the thickets. The first thing necessary was to dislodge the riflemen from under the bank of the stream, who were within point-blank shot. This we succeeded in, by shooting the most of them through the head, as we had the advantage of seeing them when they could not see us.

"The road we had cut round the thicket the night previous gave us a fair view of our enemy in the prairie, while we were completely hid. We baffled their shots by moving six or eight feet the moment we fired, as their only mark was the smoke of our guns. * * * They discovered that we were not to be dislodged, and perceived the uncertainty of killing us at random shot—they suffering very much from the fire of our rifles, which brought half-a-dozen down at every round. They determined, therefore, to put fire to the dry grass of the prairie, for the double purpose of routing us from our position, and, under cover of the smoke, carrying off their dead and wounded. The wind was blowing from the west, and they placed the fire in that quarter, where it burnt down all the grass to the stream, and bore off to the right and left, leaving around our position a space of about five acres untouched. Under cover of the smoke, a portion of the Indian dead and wounded were removed, while our party were engaged in

scraping away the dry grass and leaves from our wounded men and baggage, and in piling up stones and bushes to serve as a breastwork.

"The attempt to rout us out by fire having failed, the Indians re-occupied the points of rocks and trees in the prairie, and commenced another attack. The firing continued for some time, when the wind suddenly shifted to the north, and blew very hard. We now ascertained our dangerous situation, should the enemy succeed in setting fire to the small spot we occupied, and we kept a strict watch all round. The two servant boys were employed in clearing away the dry grass and leaves from around the baggage, and heaping up fragments of rock around the wounded men. The remainder of the party were warmly engaged with the enemy. The point from which the wind blew being favourable to fire our position, an Indian succeeded in crawling down the stream, and putting fire to the grass that had not yet been burnt. Before he could rejoin his party he was shot by Robert Armstrong.

"At this time we saw no hope of escape. The fire was coming rapidly down before the wind, flaming ten feet high, and rolling directly towards the spot we occupied. What was to be done? We must either be burnt up alive, or driven into the prairie amongst the savages. This encouraged the Indians; and, to make it more awful, their shouts and yells rent the air, while they fired upon us about twenty shots a minute. As soon as the smoke concealed us, we collected together and held a consultation. Our first impression was that they might rush on us under cover of the smoke, as we could make but one effectual fire—the sparks flying about so thickly that no man could open his powder-horn without running the risk of being blown up. However, we determined, in the event of their charging us, to give them one volley, place our backs together, draw our knives, and fight them as long as one of us was left alive. The next consideration was, should they not charge us, and we retain our position, we must be burnt up. It was decided that each man should take care of himself as well as he could, until the fire arrived at the

ring around our baggage and wounded men, and there we should try to smother it with buffalo robes, bear-skins, deer-skins, and blankets. This, after a great deal of exertion, we succeeded in doing.

"Our thicket being so much burnt and scorched that it afforded us little or no shelter, we all got into the ring that encompassed the wounded and baggage, building the breast-work higher, with loose rocks from the inside, and earth, dug up with our knives and sticks. It was now sun-down, and we had been warmly engaged with the Indians since sunrise, a period of thirteen hours; and they, seeing us still alive and ready for fight, drew off at a distance of three hundred yards, and encamped for the night."

The party continued to fortify their position, and procured a supply of water, in expectation of another attack; but the Indians, whose loss in killed and wounded amounted, according to an account derived from some Comanches, to no less than eighty-two, did not venture to assail them again. After remaining on the ground eight days, to recruit the wounded men and horses, the expedition returned to San Antonio de Bexar, where it "arrived in good order, having sustained a loss of one man killed and three wounded, and five horses killed and three wounded."

It was with the brothers Bowie, of the preceding narrative, that the weapon which bears their name originated. The first "Bowie-knife" was made by Razin P. Bowie, in the parish of Avoyelles, in the State of Louisiana, as a hunting-knife, for which purpose exclusively it was used by him for many years. The length of the original knife was nine and a quarter inches, its width one and a half, with a single edge and straight blade. In reply to some

newspaper inventions, Razin Bowie published, in 1838, the following statement of facts, in reference to the introduction of this formidable but barbarous instrument in personal combat.

"Colonel James Bowie had been shot by an individual with whom he was at variance; and as I presumed that a second attempt would be made by the same person to take his life, I gave him the knife, to be used as occasion might require, as a defensive weapon. Some time afterwards (and the only time the knife was ever used for any other purpose than that for which it was originally destined) it was resorted to by Colonel James Bowie, in a chance medley or rough fight between himself and certain other individuals to whom he was then inimical, and the knife was used only as a defensive weapon, and not till he had been shot down; it was the means of saving his life. The improvement in its fabrication, and the state of perfection which it has since acquired from experienced cutlers, were not brought about through my agency. I would here assert also, that neither Colonel James Bowie nor myself, at any period of our lives, ever had a duel with any person whatsoever."

On the 3rd of November, the Consultation of Texas, composed of seven delegates from each municipality, assembled in General Convention at San Felipe de Austin, and chose Branch T. Archer president, who in an opening address, invited the attention of the members to the measures required for the credit and safety of the people—the adoption of a Declaration, setting forth the reasons which had impelled Texas to take up arms, and the objects for which she contended—the establishment of a Provisional Government, with the election of a Governor, Lieutenant-Governor, and Council, clothed with legislative and executive powers, and the or-

ganization and support of the military. The President called upon the members of the Consultation to divest themselves of every party feeling, to discard every selfish motive, and look alone to the welfare of the country. He recommended the union of the Legislative and Executive powers in the Governor, Lieut.-Governor, and Council, as absolutely necessary to prevent Texas from falling into anarchy. In providing for the wants of the army, he urged the adoption of a code of military laws as indispensable. Without discipline and order in the ranks, their armies would be mere mobs, more dangerous to themselves than to their adversaries, and liable at all times to be routed or cut to pieces by a handful of regulars. He knew the men that were in the field: there never was better material for soldiers, but without discipline they could achieve nothing. Funds, he observed, were necessary to establish the contemplated government, and to prosecute the war; it would, therefore, be their duty to elect financial agents. It would be expedient likewise to make some arrangements with the North-Eastern Indians, and to secure to volunteers from the United States their land "in head-right," and to place them on an equal footing with the most favoured citizens. The fraudulent sales, or grants, of land by the late government of Coahuila and Texas would require attention, and the establishment of mails and an Express Department was essential to the public interests. The President concluded by observing that he did not view the cause in which they were engaged as that of freemen fighting alone against military despotism—he did

not view it as Texas battling alone for her rights and liberties; he regarded it in a nobler and more exalted light—as the great work of laying the corner-stone of liberty in the Mexican Republic.

After a vote of thanks to the General Council for the faithful and able discharge of their arduous duties, the President was empowered by the Consultation to appoint a Committee of twelve, composed of one member from each jurisdiction, to frame a Declaration, setting forth to the world the causes that impelled them to take up arms, and the objects for which they contended. This Declaration was reported on the 7th of November, and stated that the people of Texas had armed in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the Federal Constitution of Mexico of 1824,* to which they continued faithful. The words "republican principles" were introduced for the purpose of signifying their dissent from certain provisions of the Mexican Constitution, deemed by them anti-republican. The principal of these was the article for the support of the Catholic religion to the exclusion of all other forms of belief, a reservation deemed by some impolitic, as it might tend to alienate the Mexican Federalists, whose co-operation they invoked. On the 12th, the Consultation chose Henry Smith Governor, with complete and ample executive power, and Jas. W. Robinson Lieutenant-Governor. On the 13th, the Committee of three, to whom the duty

* For the Declaration and Plan of the Provisional Government, see Appendix No. IV.

had been assigned, presented the Plan of a Provisional Government, which was adopted; and on the 16th, the Governor's first Message was addressed to "The Honourable the President and Members of the Legislative Council of all Texas."

In this document, Governor Smith, after craving indulgence for himself, admonished the Council to contemplate the dangers to be encountered, the obstacles to be surmounted or removed, and to decline the task allotted to them, or enter upon it with a fixed determination faithfully and fearlessly to execute their duties. These duties were of no common order. They had to call system from chaos—to start the wheels of government, which were clogged and impeded by conflicting interests, and to sustain an army in the field, contending against a powerful foe, without funds or the munitions of war. As measures of practical necessity or advantage, he recommended the selection of qualified agents to purchase artillery and military stores; the organization of a corps of frontier rangers and an engineer corps; the granting of letters of marque and reprisal; liberal appropriations for foreign volunteers; an amicable adjustment with the North-Eastern Indians; the employment of special financial agents; the establishment of a tariff of duties, with officers of revenue; the erection of a Post-Office Department;* the organization of the militia and the civil

* An advertisement, dated November 21st, 1835, and headed "General Post-Office," was published by the Postmaster-General of Texas, notifying that he was authorised to receive sealed proposals for carrying the mail on six different routes, commencing on the 1st day of January, 1836, and ending on the 31st of December following.

jurisdictions, with some arrangements of minor importance, which became subjects of consideration and provision by the Legislative Council, for the various branches of public affairs, who appointed Committees, nominated judges, and passed a decree for raising a force of 1,120 regular troops, to serve for two years or during the war.*

The Texan army, which had encamped on the 28th of October at the Mission of the Conception, having received reinforcements, advanced close to Bexar in the beginning of November. General Cos, expecting troops from the interior, and afraid to hazard an engagement, prepared to defend the town by barricading the streets, planting cannon on the top of the church, and resorting to such other means of fortifying his position as were at his command.

On the 3rd of November, a detachment of fifty men from Goliad, under Adjutant Westover, attacked and entered Lipantitlan, near San Patricio, the garrison of which (in number twenty-one) surrendered, and were liberated on parole not to bear arms against the Colonists during the war. The place contained two small pieces of ordnance, which had been forcibly taken from the citizens of San Patricio. Having retained possession of the village until the evening of the 4th, when about one-half of their number had crossed the river on their return to Goliad, the Texans were apprised of the approach of a party of above seventy hostile Mexicans. An action ensued, which lasted about half an hour,

* For a list of the Ordinances and Decrees of the Provisional Government of Texas, see Appendix, No. VIII.

when the Mexicans retreated with a loss of twenty-eight in killed, wounded, and missing. One Texan wounded in the hand was the only injury sustained by the party.

On the 8th, another slight engagement, called in Texas the "Grass Fight," took place between detachments of the contending forces. A party of forty Colonists was ordered to intercept some Mexican soldiers, commissioned by Cos to burn the prairie grass for thirty or forty miles around San Antonio. The party had only proceeded three or four miles, when one of their number was killed by a fall from his horse. A detachment of twenty-seven men, sent from the camp to bring in the body, was attacked by 160 of the Morelos Lancers. Retiring to a ravine, they opened a fire on the cavalry, which compelled them to retreat, with the loss of five killed and several wounded. One Texan was slightly wounded. Another skirmish occurred on the 26th, near Bexar, between nearly equal numbers of Colonists and Centralists—about 300 on each side. The latter, although advantageously posted under cover of some timber, were driven back to the fort with considerable loss. The Texans continued the pursuit until they were fired upon by the cannon of Bexar.

Stephen Austin, B. T. Archer, and W. H. Wharton having been appointed, by the Consultation at San Felipe, Commissioners to the United States, to act under the advice and instruction of the Provisional Government, intimation to that effect was conveyed to General Austin, then with the army, who arrived at San Felipe on the 29th of November,

to undertake the duties of the appointment. Edward Burleson, elected by the volunteers composing the army to the chief command, was left to conduct the siege at Bexar. The Consultation, with only one dissenting voice, had chosen Samuel Houston Major-General and Commander-in-Chief of the Regular Army of Texas. After receiving his commission, General Houston had established his head-quarters at Washington, on the Brazos. On the 30th of November, Mr. Austin formally reported his arrival at San Felipe to the Provisional Government, and his readiness to serve the country in the new station to which he had been called by the representatives of the people. The Report supplies an interesting summary of events both in Mexico and Texas, and affords a temperate exposition of the feelings and circumstances of the Colonists, as affected by the decree of the 3rd of October which abolished the State Legislatures.

"I have the satisfaction to say, that the patriotism which drew together the gallant volunteers now in service before Bexar and fort Goliad is unabated. They left all the comforts and endearments of home to defend their Constitutional rights, and the republican principles of the Federal System and Constitution of 1824, and the vested rights of Texas under the law of the 7th of May of that year. Their basis is the Constitution and the Federal System. But should these be destroyed in Mexico, and the decree of the 3rd of October last, passed by the Central party, (a copy of which is herewith presented,) be carried into effect, and a Central and despotic government established, where all the authority is to be concentrated in one person, or in a few persons, in the city of Mexico, sustained by military and ecclesiastical power; the volunteer army will also, in that event, do their duty to their country, to the cause of liberty, and to

themselves—as honour, patriotism, and the first law of nature may require.

"That every people have the right to change their government, is unquestionable; but it is equally certain and true, that this change, to be morally or politically obligatory, must be effected by the free expression of the will of the community, and by legal and constitutional means; for otherwise the stability of governments and the rights of the people would be at the mercy of fortunate revolutionists—of violence or faction.

"Admitting, therefore, that a Central and despotic, or *strong* government, is best adapted to the education and habits of a portion of the Mexican people, and that they wish it; this does not, and cannot, give to them the right to dictate by unconstitutional means and force, to the other portion, who have equal rights, and differ in opinion.

"Had the change been effected by constitutional means, or had a National Convention been convened, and every member of the confederacy been fairly represented, and a majority agreed to the change, it would have placed the matter on different ground; but, even then, it would be monstrous to admit the principle, that the majority have the right to destroy the minority, for the reason that self-preservation is superior to all political obligations. That such a government as is contemplated by the before-mentioned decree of the 3rd of October, would destroy the people of Texas, must be evident to all, when they consider its geographical situation, so remote from the contemplated centre of legislation and power; populated as it is by a people who are so different in education, habits, customs, language, and local wants, from all the rest of the nation; and, especially, when a portion of the Central party have manifested violent religious and other prejudices and jealousies against them. But no National Convention was convened, and the Constitution has been, and now is, violated and disregarded.

"The Constitutional Authorities of the State of Coahuila and Texas solemnly protested against the change of government, for which act they were driven by military force from office and imprisoned. The people of Texas protested

against it, as they had a right to do, for which they have been declared rebels by the government in Mexico.

"However necessary, then, the basis established by the decree of the 3rd of October may be to prevent civil wars and anarchy in other parts of Mexico, it is attempted to be effected by force and unconstitutional means. However beneficial it may be to some parts of Mexico, it would be ruinous to Texas. This view presents the whole subject to the people. If they submit to a forcible and unconstitutional destruction of the social compact which they have sworn to support, they violate their oaths. If they submit to be tamely destroyed, they disregard their duty to themselves, and violate the first law which God has stamped upon the heart of man, civilised or savage—which is the law or the right of self-preservation.

"The decree of the 3rd of October, therefore, if carried into effect, evidently leaves no remedy for Texas but resistance, secession from Mexico, and a direct resort to natural rights.

"Such I believe to be the view which the volunteer army, late under my command, has taken of this subject; and such, in substance, the principles it is defending, and will defend. That they are sound and just, and merit the approbation of all nations, I sincerely and conscientiously believe.

"It may be out of place to speak of myself in such a communication as this, but I deem it right to say that I have faithfully laboured for years to unite Texas permanently to the Mexican Confederation, by separating its local government and internal administration, so far as practicable, from every other part of Mexico, and placing it in the hands of the people of Texas, who are certainly best acquainted with their local wants, and could best harmonise in legislating for them.* There was but one way to effect this union, with any hope of permanency or harmony, which was by erecting Texas into a State of the Mexican Confederation: Sound policy, and the true interest of the Mexican Republic, evidently required that this should be done.

"The people of Texas desired it; and if proofs were

wanting (but they are not) of their fidelity to their obligations as Mexican citizens, this effort to erect Texas into a State affords one which is conclusive to every man of judgment who knows anything about this country; for all such are convinced that Texas could not, and would not, remain united to Mexico without the right of self-government as a separate State.

"The object of the Texans, therefore, in wishing a separation from Coahuila, and the erection of their country into a State, was to avoid a total separation from Mexico by a revolution. Neither Coahuila, nor any other portion of the Mexican nation, can legislate on the internal affairs of Texas: it is impossible. This country must either be a State of the Mexican Confederation, or must separate *in toto*, as an independent community, or seek protection from some power that recognises the principles of self-government. I can see no remedy between one of these three positions and total ruin.

"I must particularly call the attention of the Provisional Government to the Volunteer Army now in the field. That their services have been, and now are, in the highest degree useful and important to Texas, is very evident. Had this army never crossed the Guadalupe,—a movement which some have condemned,—the war would have been carried by the Centralists into the colonies, and the settlements on the Guadalupe and La Baca would probably have suffered, and perhaps have been broken up. The town of Gonzalez had already been attacked, and many of the settlers were about to remove.

"What effect such a state of things would have had upon the moral standing and prospects of the country, although a matter of opinion, is worthy of mature consideration; more especially when it is considered that, at the time, the opinions of many were vacillating and unsettled, and much division prevailed. The Volunteer Army have also paralysed the force of General Cos, so that it is shut up within the fortifications of Bexar, incapable of any hostile movements whatever outside of the walls, and must shortly surrender or be annihilated. The enemy has been

beaten in every contest and skirmish, which has proved the superiority of the volunteers, and given confidence to every one. Our undisciplined volunteers, but few of whom were ever in the field before, have acquired some experience, and much confidence in each other and in themselves, and are much better prepared for organization, and to meet a formidable attack than they were before.

"The post at Goliad has been taken by the volunteers, and the enemy deprived of large supplies which were at that place, and of the facilities of procuring others by water, through the Port of Copano, which is also closed upon them by the occupation of Goliad. The enemy has been driven from the river Nueces by a detachment of the volunteers who garrison Goliad, and by the patriotic sons of Ireland from Power's colony. More than one hundred of the enemy, including many officers, have been killed; a great many have been wounded, others have deserted, and a valuable piece of brass cannon, a six-pounder, has been taken, and another preserved (the one that was at Gonzalez) from falling into the hands of the enemy. Three hundred head of horses have been taken, and the resources for sustaining an army in Bexar are all destroyed or exhausted, so that an enemy in that place is at this time more than three hundred miles from any supplies of bread-stuff, and many other necessary articles. All this has been effected by the Volunteer Army in a little more than one month, and with the loss of only one man killed in battle, and one wounded, (who has nearly recovered,) before Bexar; one wounded at Goliad, and one at Lipantitlan, on the Nueces. In short, the moral and political influence of the campaign is equally beneficial to Texas and to the sacred cause of the Constitution and of liberty, and honourable to the Volunteer Army. This army is composed, principally, of the most intelligent, respectable, and wealthy citizens of the country; and of volunteers from Louisiana and Alabama—men who have taken up arms from principle, from a sense of duty, and from the purest motives of patriotism and philanthropy. They have bravely sustained the rights of Texas and the cause of Mexican liberty, and patiently

borne the exposure and fatigue of a winter's campaign during the most inclement, wet, and cold spell of weather known in this country for many years. The most of them are men of families, whose loss would have made a fearful void in our thin community. They might have been precipitated upon the fortifications of Bexar, which were defended by seven or eight hundred men and a number of cannon, and taken the place by storm, against superior numbers; and Texas might, and in all probability would, have been covered with mourning in the hour of victory. On consultation with the officers in councils of war, it was deemed most prudent not to hazard so much in the commencement of the contest, when a disaster would have been so materially injurious; and the system was adopted of wasting away the resources, and spirits, and numbers of the enemy by a siege, the ultimate success of which appeared to be certain, without any serious hazard on our part. That the fall of Bexar within a short time, and with a very little loss, will be the result, I have no doubt.

"I consider the Volunteer Army to be the main hope of Texas at this time, and until a regular army can be organised; and I recommend that it be sustained and provided for in the most effectual and efficient manner.

"Before closing this communication, I deem it to be my duty to recommend to the consideration of the Provisional Government the situation of the inhabitants of Bexar and Goliad. The necessary and indispensable operations of the war have compelled the army to make use of a considerable amount of their property, particularly corn and beef cattle. So soon as circumstances will permit, I respectfully recommend, that some system be adopted to ascertain the amount of property thus used, and to provide for a just compensation. This recommendation also extends to horses or other property lost by the Volunteers.

"I will present to government another Report, on a special subject of importance."

The Report alluded to at the close of the preceding document was transmitted by Mr. Austin to the

Provisional Government on the 2nd of December. It related to the preparations then in progress by the Centralists for the invasion of Texas, and the consequent necessity of calling a new Convention.

"At the time of the former elections, the people did not and could not fully understand their true situation; for it was not known then, to a certainty, what changes would take place in Mexico, what kind of government would be established, or what course would be pursued towards Texas. It was only known then that the Central party was in power, that all its measures tended to the destruction of the Federal System, and that preparations were making to invade Texas.

"But, at the present time, the people know that the government is changed—that Centralism is established by the decree of the 3rd of October last, and that they are threatened with annihilation. In short, the whole picture is now clearly before their view, and they see the dangers that are hanging over them. Can these dangers be averted by a provisional organization, which is based upon a declaration that is equivocal, and liable to different constructions? Does not the situation of the country require a more fixed and stable state of things? In short, is it not necessary that Texas should now say in plain, and positive, and unequivocal language, what is the position she occupies, and will occupy: and can such a declaration be made without a new and direct resort to the people, by calling, as speedily as possible, a Convention, with plenary powers, based upon the principle of equal representation in proportion to the population?

"These are questions of the most vital importance. I respectfully submit them to the calm deliberation of the Provisional Government, in the full confidence that all the attention will be given to the subject which its importance merits.

"Without expressing any individual opinion of my own, as to the time or day when the new elections ought to take place, which would, perhaps, be indecorous in such a com-

munication as this, the object of which is to lay facts before the Provisional Government, I deem it to be my duty to say, that so far as I could judge of the opinions and wishes of the citizens who were in the Volunteer Army when I left them on the 25th ult., they were in favour of an *immediate* election of a Convention, with plenary power."

The Consultation which had established the Provisional Government for Texas had adjourned until the 1st of March, to be convened sooner at the discretion of the Governor and Council, whom they authorised to advise a new election of delegates with ampler powers than they possessed. It was the opinion of many that the functions of the Consultation should have ceased with the occasion of its meeting, it being intended rather to act as a General Council, under a great emergency, than as a legislative body. The representation of the different municipalities, although the best, according to circumstances at the time of ordering the election, was unsatisfactory —the number of delegates not being proportioned to the amount of population in the several jurisdictions. The Consultation was chosen, too, at a period when the country was distracted by conflicting opinions —some disbelieving that the Federal System was destroyed, or had even been attacked—others, moved by intemperate zeal, clamouring for independence —the majority being decidedly in favour of declaring, in clear and unequivocal terms, for the Constitution of 1824. For these reasons, rendered weightier by the very critical situation of public affairs, did the Colonists desire the election of a new Convention, with plenary powers. With the overthrow of the Federal Constitution, the struggle had

assumed a more solemn aspect. To the people of Texas it was no longer a question of forms of government, but of life or death. The first to forewarn and the last to inflame, Stephen Austin, true to his inherited trust, discerned the gathering of the thundercloud beyond the Rio Grande, and gave timely intimation to those over whose dwellings and fields it was destined to spread havoc and desolation.



CHAPTER XI.

Siege of Bexar—Impatience of the Colonists—Mexican Deserter —Resolution of Milam and others—Entrance of a Storming Party into Bexar—Death of Milam, and Surrender of General Cos—Landing of Mexia at Tampico—Resolution of the Provisional Government for assembling a Convention—Measures of Defence—Proclamation by General Houston—Indian Mission—Operation of the Militia System in the United States—Indian Encroachments—Volunteers—Opinions respecting a Declaration of Independence.

THE "Federal Volunteer Army of Texas" had marched to the siege of Bexar at the close of the finest month of the Texan year. Their spirits were animated by occasional successes, and the hope of reducing the strongest post in the country, and thereby terminating the campaign, and ridding themselves of the detested military, sustained them under many hardships and privations. But, unaccustomed to the restraints of a camp—impatient of a protracted siege—their term of volunteer service exceeded, and their families anxious for their return—December, with its fitful northers and drenching rains, was about to find them unprovided with winter clothing, suffering from insufficient food, and with no immediate prospect of accomplishing their vaunted enterprise.

As an inducement to prosecute the siege, the Provisional Government had promised twenty dollars to each man who would remain with the army until its close. To many, however, this must have

appeared a poor equivalent for absence from their homes. Numbers departed daily, and but few arrived; and it was necessary to devise some extraordinary plan for keeping a sufficient force together. At a general parade an appeal was made to the patriotism of the volunteers, and such as were willing to testify their devotion to the cause by serving for thirty days longer, or until Bexar was taken, were requested to signify their disposition by advancing in front of the line. The expected demonstration was nearly universal; but the men, wearied with idly gazing at the walls of the beleaguered town, importuned the general to order an immediate assault. One day, and then another, were successively named for indulging their ardour, but nothing was done; and, on the evening of the 4th of December, the order was given to break up the camp and retire into winter quarters.

It happened on the eve of their intended dispersion that the Texans were informed by a Mexican deserter that a number of the soldiers in Bexar were disaffected to Santa Anna and the Centralists, and that it would not be difficult to capture the place. But this doubtful intelligence was a slight counterpoise to the obvious perils of the undertaking. Almost every house in San Antonio de Bexar was in itself a little fort, being built of stone, with walls about three feet and a half in thickness. The approaches to the public square had been strongly fortified with breast-works, trenches, and palisadoes, protected by artillery; cannon were also planted on the roof of the old church in the square, which commanded the town and its environs. Both

the town and the enclosure called the Alamo were defended by artillery, and there was a formidable number of regular troops in the garrison; while the whole Volunteer Army only amounted to about 500 men, and these, with very few exceptions, strangers to discipline.

With these heavy odds against them, Benjamin R. Milam and some officers held a meeting, and resolved to beat up for volunteers to attack San Antonio. They succeeded in mustering a party of about 300, who chose the war-worn Milam for their leader. The plan he adopted was a judicious combination of the veteran's skill and the volunteer's daring, and showed his thorough knowledge of the materials with which he had to work.

The town was in the form of an oblong square, and lay on the south-western bank of the San Antonio River. Communicating with it by two small bridges, and nearly opposite, on the north-eastern side of the river, was the fort or, rather, walled enclosure, of the Alamo. Westward of the town was the camp of the volunteers. Directing Colonel Neil to divert the attention of the Mexicans by making a feint upon the Alamo, Milam prepared to effect a lodgment in the town. At three o'clock in the morning of the 5th of December, Neil, taking a sweeping course by the sources of the San Antonio, commenced, with a piece of artillery, a fire upon the Alamo; while Milam, having provided his followers with crow-bars and other forcing implements, made an entrance into the suburbs, beyond the range of the Mexican fortifications. Apprised of Milam's advance by the firing which followed it,

Neil retraced his steps and returned with his party to the camp at 9 A. M.

On the 6th, a despatch dated from the "Camp before Bexar," and signed by B. R. Milam and Edward Burleson, was forwarded to the President of the Provisional Government at San Felipe, with the following information and demand:

"Yesterday morning, at day-light, or rather some twenty minutes before, Colonel Milam, with a party of about 300 Volunteers, made an assault upon the town of Bexar. His party he distributed in two divisions, which, on entering the town, took possession of two buildings near each other —near the place where they have been ever since battling with the enemy. They have so far had a fierce contest, the enemy offering a strong and obstinate resistance. The houses occupied by us command some of the cannon in the place, or have silenced them entirely, as it is reported to us. *The issue is doubtful, of course.* Ugartechea is on the way, with considerable reinforcements; how near has not yet been exactly ascertained; but, certainly, he is not more than from fifty to sixty miles off. This express has been despatched for an immediate supply of ammunition, as much powder and lead as can possibly be sent instantly. Of the first-mentioned article, there is none beyond the cannon cartridges already made up. I hope that good mules, or horses, will be procured to send on these articles with the greatest possible speed, travelling night and day, for there is not a moment to be lost. Reinforcements of men are, perhaps, indispensable to our salvation. I hope every exertion will be made to force them to our relief immediately."

In an address to the people of Texas, by a Special Committee of the General Council, dated San Felipe, December 10th, urging them to speed to the relief of the army before Bexar, it is stated that contractors had been despatched in different

directions, and supplies and ammunition were on their way to the camp. J. W. Fannin and T. J. Rusk were appointed by the Council to proceed respectively east and west of the Trinity, for the purpose of collecting reinforcements and enrolling them for service thirty days, to aid in the reduction of Bexar. Before, however, the Council had time even to convey a reply to Colonel Milam's hurried communication, the bravery of the Volunteers had enabled them to dispense with further assistance.

When the Volunteers advanced against the town, the Commander-in-Chief, General Burleson, formed all the reserve, with the exception of the guard requisite to protect the camp, and held himself in readiness to assist, should occasion arise. He also sent out parties to scour the country, and endeavour to intercept Ugartechea, who ultimately effected an entry into the Alamo with 300 men. During the period of the attack on the town, he despatched Captains Cheshire, Sutherland and Lewis, with their companies, to reinforce Colonel Johnson—who commanded the second division of the storming party—and retained another reserve in readiness to co-operate, if required.

On entering the suburbs of Bexar, the first division, under the immediate command of Milam, and supported by two pieces of cannon and fifteen artillerymen, took possession of the house of Don Antonio de la Garza. The second division, under Johnson, forced its way into the dwelling of a Mexican, named Berimendi, amidst a heavy discharge of grape-shot and musquetry.

"At seven o'clock," says the official report of Colonel Johnson, "a heavy cannonading from the town was seconded by a well-directed fire from the Alamo, which for a time prevented the possibility of covering our lines, or effecting a safe communication between the two divisions. In consequence of the twelve-pounder having been dismounted, and the want of proper cover for the other gun, little execution was done by our artillery during the day. We were, therefore, reduced to a close and well-directed fire from our rifles; which, notwithstanding the advantageous position of the enemy, obliged them to slacken their fire, and several times to abandon their artillery within the range of our shot. Our loss during the day was one private killed; one colonel and one first-lieutenant severely wounded; one colonel slightly, three privates dangerously, six severely, and three slightly. During the whole of the night (of the 5th) the two divisions were occupied in strengthening their positions, opening trenches, and effecting a safe communication, although exposed to a heavy cross-fire from the enemy, which slackened towards morning. I may remark that the want of proper tools rendered this undertaking doubly arduous.

"At day-light of the 6th the enemy were observed to have occupied the tops of the houses in our front, where, under cover of breast-works, they opened through loop-holes a very brisk fire of small arms on our whole line, followed by a steady cannonading from the town, in front, and from the Alamo on the left flank, with few interruptions during the day. A detachment of Captain Crane's company, under Lieutenant W. McDonald, followed by others, gallantly possessed themselves, under a severe fire, of the house to the right, and in advance of the first division, which considerably extended our line; while the rest of the army was occupied in returning the enemy's fire and strengthening our trenches, which enabled our artillery to do some execution, and complete a safe communication from right to left. Our loss this day amounted to three privates severely wounded and two slightly. During the night the

fire from the enemy was inconsiderable, and our people were occupied in making and filling sand bags, and otherwise strengthening our lines.

"At day-light on the 7th it was discovered that the enemy had, during the night previous, opened a trench on the Alamo side of the river, and on the left flank, as well as strengthened their battery on the cross street leading to the Alamo. From the first, they opened a brisk fire of small arms; from the last, a heavy cannonade, as well as small arms, which was kept up until eleven o'clock, when they were silenced by our superior fire. About twelve o'clock Henry Karnes, of Captain York's company, exposed to a heavy fire from the enemy, gallantly advanced to a house in front of the first division; and, with a crow-bar, forced an entrance, through which the whole company immediately followed him, and made a secure lodgment. In the evening, the enemy renewed a heavy fire from all the positions which could bear upon us, and at about half-past three o'clock, as our gallant commander, Colonel Milam, was passing into the yard of my position (the house of Berimendi) he received a rifle shot in the head, which caused his instant death—an irreparable loss at so critical a moment.* Our casualties otherwise, during this day, were only two privates slightly wounded.

"At a meeting of officers, held at seven o'clock, I was invested with the chief command, with Major Morris as my second. Captains Llewellyn, English, Crane, and Landrum, with their respective companies, forced their way into, and took possession of, the house of Don J. Antonio Navarro, an advanced and important position close to the Square.

* Milam was buried in the doorway of Berimendi's house, within six feet of the place where he fell, without a stone to mark the spot. It was resolved by the Provisional Government that the President, officers, and members of the General Council of Texas, should, "in testimony of heartfelt sorrow and mourning for his death," wear crape upon the left arm for thirty days; and that the Governor, the officers of the Executive Department, the Commanding-General, and all the officers of the Army, should unite in wearing this symbol of regret.

The fire of the enemy became interrupted and slack during the whole night, and the weather exceedingly cold and wet.

"The morning of the 8th continued cold and wet, and but little firing on either side. At nine o'clock, the same companies who took possession of Don J. Antonio Navarro's house, aided by a detachment of the Grays, advanced and occupied the Zambrano Row, leading to the Square, without any accident. The brave conduct on this occasion of William Graham, of Cook's company of Grays, merits mention. A heavy fire of artillery and small arms was opened on this position by the enemy, who disputed every inch of ground, and after suffering a severe loss in officers and men, were obliged to retire from room to room, until they evacuated the whole building. During this time, our men were reinforced by a detachment from York's company, under the command of Lieutenant Gill. The cannonading was exceedingly heavy from all quarters during the day, but did no essential damage. Our loss consisted of one captain seriously wounded and two privates severely. At seven o'clock, P.M., the party in Zambrano's Row were reinforced by Captains Swisher, Alley, Edwards, and Duncan, and their respective companies.*

"This evening we had undoubted information of the arrival of a strong reinforcement to the enemy, under Colonel Ugartechea. At half-past ten o'clock, P.M., Captains Cook and Patton, with the company of New Orlean's Grays and a company of Brazoria Volunteers, forced their way into the Priest's house in the Square, although exposed to the fire of a battery of three guns and a large body of musqueteers. Before this, however, the division was reinforced from the reserve by Captains Cheshire, Lewis, and Sutherland, and their companies.

"Immediately after we got possession of the Priest's

* On the evening of the 8th, a party from the Alamo, of about fifty men, passed up in front of the Texan camp and opened a fire; but without effect, returning precipitately before the play of a six-pounder.—*General Burleson's Despatch to the Provisional Governor of Texas.*

house, the enemy opened a furious cannonade from all their batteries, accompanied by incessant volleys of small arms, against every house in our possession, and every part of our lines, which continued unceasingly until half-past six o'clock, A.M., of the 9th, when they sent a flag of truce, with an intimation that they desired to capitulate. Our loss in this night's attack, consisted of one man only, dangerously wounded, while in the act of spiking a cannon."

The loss of the Colonists was trifling, but that of the Mexicans, of which I have been unable to procure a return, must have been severe,* as the rifle brought them down as often as they showed their faces at a loop-hole. The Texans advanced by breaking a passage through the stone walls of the houses, and throwing up a ditch where they were otherwise unprotected, while every street was raked by the enemy's artillery. Their entrance into the Square decided the contest, as it exposed the bulk of the garrison to their deadly fire. Of this the Mexicans proved themselves conscious by surrendering, before the occupants of the Priest's house had the benefit of day-light for rifle practice. During the four days of the assault, a black and red flag, in token of no quarter, had been waving at the Alamo.

On the 11th of December, 1835, the Commissioners on each side met and agreed upon terms of capitulation, which were ratified and approved by the respective Commanders-in-Chief, Generals Burleson and Cos. The former deemed the terms highly favourable, considering the strong position and large force of the enemy, which could not be less than 1,300 effective men—1,101 having departed

* I have seen it estimated at 200 killed and 390 wounded, but this seems to be an exaggeration.

with General Cos, besides three companies and several small parties that separated from him, in consequence of the fourth article of the treaty, of which the following are the principal stipulations:—The retirement of General Cos and his officers, with their arms and private property, into the interior of the Republic; under parole of honour that they would not in any way oppose the re-establishment of the Federal Constitution of 1824. The retirement, with the General, of the 100 infantry lately arrived with the convicts, the remnant of the battalion of Morelos and the cavalry; taking their arms and ten rounds of cartridges. The removal beyond the Rio Grande of the convicts brought in by Colonel Ugartechea. The troops to be free to follow their General, or to remain, or to go to such point as they might think proper; but, in case all or any of them separated, they were to have their arms, &c. All public property, money, arms and munitions of war, to be inventoried and delivered to General Burleson. All private property to be restored to its owners. In the remaining articles it was stipulated, that General Cos should remove within six days, and that, during the interval, he should occupy the Alamo, while the Texans occupied the town of Bexar. The citizens were to be protected in their persons and property, nor was any person to be molested on account of political opinions previously expressed. The sick and wounded Mexicans were to be allowed to remain with a surgeon and attendants, and General Cos was to be furnished with provisions at ordinary prices, to maintain his troops to the Rio Grande.

On the morning of the 14th of December Cos

removed from the Alamo to the Mission of San José, and, on the following day, he commenced his march for the Rio Grande, after complying with the provisions of the capitulation. A large quantity of military stores in the town and the fort was delivered to General Burleson, including nineteen pieces of ordnance and two swivel guns, several hundred stand of arms, with bayonets, lances, and an abundance of ammunition.

The first campaign of the Colonists, conducted under the banner of the Federal Constitution, was now ended. From the Sabine to the Rio Grande a Mexican soldier was no longer to be seen, with the exception of Cos and his discomfited followers. The garrison and town of San Antonio de Bexar were placed under the command of the active and resolute Johnson, with a sufficient number of men and officers to maintain his ground, in case of attack, until relieved from the settlements. The rest of the Volunteer Army were permitted to return to their homes. All had honorably established their claim to repose. They had toiled, and suffered, and fought, like men to whom the fairest fields and the brightest skies are valueless and cheerless, without the invigorating exercise of their constitutional rights. With the degenerate races of the South liberty was but a poetical abstraction—the catch-word of the intriguing demagogue—the war-cry of the ambitious soldier: with the Anglo-Americans it was a substantial inheritance—dear to them as the memory of their ancestors—essential to their social progress as the air of heaven to their physical existence. It was the spirit of independence that sti-

mulated the Northern husbandmen to turn their faces toward the sun of the Tropic, and sustained them amidst trials of which the pampered inhabitants of the cities of the old world can form no conception. The charter which had hitherto protected and encouraged the settlers—the Mexican Constitution of 1824—had been violated; the armed partisan had usurped the seat of the judge; drumhead decisions had been substituted for the awards of law, and the Colonists were left to choose between resistance with its danger and submission with its disgrace. They made their election with a full perception of the consequences it might involve, and staked life and land in defence of their chartered liberties. Their first essay in the field was astonishingly successful; and the storming of Bexar will rank among the most remarkable feats of chivalrous daring. To what did they owe their success? Not to the arts of professional soldiership, for of these they were ignorant; not to numerical strength, for they were comparatively few—ill-armed, ill-clad, and ill-fed. In their moral organization—in the proud sense of their superiority, as instructed freemen, over the puppets of ignorant and intolerant misrule, lay the secret of their triumphs.

On the 14th of December, twenty-eight persons, chiefly Americans, with a few naturalised British, French, and Germans, were shot, under sentence of a court-martial, at Tampico. They and a number of others, amounting to about one hundred and thirty men, some of whom were in the secret, had embarked in a schooner at New Orleans on the

6th of November, supposing that their destination was Texas, where they would be at liberty to take up arms or not in defence of the country, when the Mexican General Mexia, the projector of the expedition, who was on board, altered the course of the vessel to Tampico, and caused them, on being landed, to join in an attack on the town. The wreck of the vessel on the bar spoiled the ammunition: the result was defeat and capture; and although large sums of money were offered for ransom, the authorities were inexorable. Mexia, the Federalist leader of the party, escaped to Texas in a merchant vessel, which landed him at the Brazos.

The crisis which had arrived in the affairs of Texas had satisfied Stephen Austin that the people ought to form a Constitution and permanent Government without delay, in conformity with the Declaration of the 7th of November, especially with the 5th article, which proclaimed fidelity to the Mexican Government, so long as the nation was governed by the Constitution and laws. This step could only be taken by means of a Convention, elected on the basis of equality of representation. On the 11th of December, the Council of Government tendered their grateful respects, on behalf of themselves and their fellow-citizens, to General Austin, then about to depart for the United States, expressing their deep sense of his past sufferings and privations, while labouring in their cause and for their good, in the city of Mexico, and sympathising "in his afflictions and almost broken constitution, consequent on a long and painful confinement for boldly standing up for the rights of Texas

in the stronghold of her oppressor." On the same day, the Council published an appeal to the people of Mexico, justifying the course pursued by Texas, and inviting patriotic Mexicans to unite with them against the Centralists, "to sustain the Federal compact, restore the Federal System, and establish the liberties and happiness of their country." A Resolution for calling a Convention of Delegates of the people, with plenary powers, from each Municipality of the three Departments of Texas, to assemble on the 1st of March ensuing, at the town of Washington, was approved by the Governor on the 13th. The number of delegates apportioned to the different districts amounted in the aggregate to fifty-six, and the elections were to be held on the 1st of February, 1836.

The labours of the Provisional Government had obtained the approval of Mr. Austin, in whose opinion they had been directed by "the purest desire for the public good." So far as resources could be provided by legislative measures, their ordinances and decrees were well adapted to meet the public exigencies. They authorised Mr. Austin and his associate Commissioners to the United States to contract a loan of one million of dollars, on government bonds of 100,000 dollars each, redeemable in not less than five nor more than ten years, and bearing interest at ten per cent. per annum. In case this security should not be accepted, authority was given to pledge the public lands. To raise a revenue, import and tonnage duties were established, and the ports of Sabine, Galveston, Brazos, Matagorda, La Baca, and Copano, created ports of entry.

A law was passed for opening the several courts of justice, appointing clerks and district prosecutors, and defining their duties. Judges were appointed in their respective municipalities, and instructed to hold regular terms of the courts once in three months—the observance of the common law of England being prescribed in all prosecutions for crimes and misdemeanors. Authority was given for the purchase of two schooners of twelve guns each, and two of six guns each, to form the nucleus of a navy, to be commissioned, fitted out, and ordered into active service. The Commander-in-chief was empowered to accept the services of 5,000 Auxiliary, in addition to the local, Volunteers. To each volunteer, and, in the event of his death while in the service, to his legal representative, a bounty was secured of 640 acres of land. The soldiers in the regular army were offered a bounty of twenty-four dollars—one half to be paid when mustered at head-quarters, and the other half with the first quarterly payment, together with 800 acres of land, after obtaining an honorable discharge. It was likewise decreed to raise a legion of cavalry, to consist of about 300 men. The military and naval forces were to be subject to the same rules and regulations that governed the army and navy of the United States. From the house of M'Kinney and Williams, at Quintana, two schooners—the William Robins and the Invincible—were purchased for the service of Texas—the first practical step towards the formation of the miniature navy which was to rendezvous in the Bay of Galveston.

Samuel Houston, who had been appointed Major-

General and Commander-in-Chief by the Consultation at San Felipe, issued his first proclamation from Washington. He invited the citizens of Texas to rally in defence of their constitutional rights.

"Submission to the laws and union among ourselves"—said the General—"will render us invincible; subordination and discipline in our army will guarantee to us victory and renown. Our invader has sworn to exterminate us, or sweep us from the soil of Texas. He is vigilant in his work of oppression, and has ordered ten thousand men to enforce the unhallowed purposes of his ambition. His letters to his subalterns in Texas have been intercepted, and his plans for our destruction are disclosed. Departing from the chivalrous principles of civilised warfare, he has ordered arms to be distributed to a portion of our population, for the purpose of creating, in the midst of us, a servile war. The hopes of the usurper were inspired by a belief that the people of Texas were disunited and divided in opinion; and that alone has been the cause of the present invasion of our rights. He shall realise the fallacy of his hopes, in the union of her citizens, and their eternal resistance to his plans against Constitutional liberty. We will enjoy our birth-right or perish in its defence!

"The services of 5,000 Volunteers will be accepted. By the 1st of March next, we must meet the enemy with an army worthy of our cause, and which will reflect honour upon freemen. Our habitations must be defended; the sanctity of our hearths must be protected from pollution. Liberal Mexicans will unite with us; our countrymen in the field have presented an example worthy of imitation."

From Washington, General Houston proceeded westward to Refugio and Goliad. Having superintended the formation of a corps at the latter place, under Colonel W. J. Fannin, he departed on furlough to Nacogdoches, to treat with the Indians in that neighbourhood. He had been appointed, con-

jointly with John Forbes and John Cameron, a Commissioner to negociate with the Cherokees and their associate bands. By a Resolution of the Legislative Council, passed on the 26th of December, the Commissioners were instructed "in no wise to transcend the declaration made by the Consultation of November, in any of their articles of treaty*—to pursue in all things a course of justice and equity towards the Indians, and to protect all honest claims of the whites, agreeably to such laws, compacts, or treaties, as the said Indians may have heretofore made with the Republic of Mexico—to provide that the Indians shall never alienate their lands, either separately or collectively, except to the Government of Texas," and to take such steps as might secure their effective co-operation when it should be necessary to summon the force of Texas into the field.

General Houston, from personal knowledge of the tribes, was peculiarly qualified to undertake the duties of an Indian Mission. Gifted with great natural abilities, and possessed of those physical advantages which command the respect of a rude race, united with versatile and persuasive manners, he only required a finished education to enable him to assume a leading position among popular orators. The favourite military pupil of General Jackson, he rose from the ranks of the United States army to be a representative in Congress for the State of Tennessee. Elected Governor of that State, he

* I am unable to give the terms of the declaration, but I have seen it stated in a Texan journal, that the Consultation "hastily and inconsiderately" passed a declaration setting forth that the Cherokees held their lands in Texas by the same tenure as the whites.

abdicated his office about the year 1828, and domiciliated himself among the Indians on the borders of Texas and Arkansas. He attained the rank of Chief among the Cherokees, and appeared in Indian costume at Washington, during the Session of Congress in 1829-30. These singular movements were not attributed to eccentricity merely;—it was said by some that he meditated, in conjunction with the Indians, an invasion of Texas; and General Jackson, having received information to that effect, although he expressed his firm belief that it was erroneous, conveyed private intimation to the Secretary of the Territory of Arkansas, to "watch the course of things, and keep him constantly advised of any movements that might serve to justify the suspicions that were entertained."* The rumoured expedition never took place, and the first public appearance of Mr. Houston in Texan affairs was as a delegate from the Municipality of San Augustine to the Consultation at San Felipe, in November, 1835.

I may here notice a phenomenon of the social system in the United States, the cause of which is yet a mystery to many, notwithstanding the numerous publications concerning North American affairs that have issued from the press. It is no uncommon circumstance for a man who is both a planter and a lawyer, or either, to take the command of troops, and distinguish himself in the field. Most of the leaders in the Texan revolt, including Houston, Travis, T. J. Rusk, and others, united with their mi-

* Confidential Letter from President Jackson to William Fulton, Esq., Secretary of the territory of Arkansas, dated Washington, December 10th, 1830.

litary duties the profession of the law. The militia service of the Union, especially in the new States, tends to make every man familiar with arms, and the general desire for political honours is an inducement to the acquisition of some portion of legal knowledge. The militia officers are elected by the privates, but the uniform and organization of the force are the same as those of the regular army, and, when called into active service, it is paid like the Federal troops. In the Atlantic States, where its services are very rarely required, its miscellaneous musters of mechanics and mercantile people, afford a fit subject for the caricaturist; but, in the frontier States, the mounted riflemen, composed of the robust yeomanry and officered by the ablest and most popular planters and professional men, many of whom have, perhaps, had a military education at West Point, form a description of force not to be surpassed in partisan warfare. The necessities of the State, or Federal, Government frequently call them to the field, and occasionally keep them embodied for months, during which they acquire habits of discipline and subordination. Living in rustic independence, and inured to the hunter's life, they regard war as a superior kind of excitement, and are always ready for action at the summons of their country; while, to the younger men, ambition, or adventure, is a sufficient stimulus to arm and march. In Kentucky, especially, a favourite leader, with the means of defraying the essential charges of the expedition, could have no difficulty, at any time, in raising several thousand soldierly associates, to accompany him to a new country, where danger was to

be dared and glory to be won. And if the enterprise were supported by public opinion, it would ultimately be accomplished, although successive shoals of adventurers should perish in the attempt. The wave that broke ineffectually at first, would be followed by others, until, finally, all obstacles were undermined, or overwhelmed, by the still returning surge.

And the training of the Anglo-Americans, which qualifies them for extemporaneous war, eminently adapts them for cultivating and extending the arts of peace. An Englishman usually devotes himself to a single branch of mechanical or professional industry, in which, by his steadiness and assiduity, he excels all competitors. He manufactures, or directs, a specific portion of machinery with unequalled skill and unwearied diligence; but there his applicability stops. Transfer him to a different branch of the same general occupation, and he is like a fish out of water. He is bewildered—he "can't get on." Not so the American. Everything around him is new and changing, and he loves and accommodates himself to novelty and change. He is not pains-taking enough to finish off his particular task-work, in the style of his kinsman of the Old Country; but then he is competent to execute any portion of the business, at a pinch, and has always an eye to becoming, some day or other, superintendent of the whole, or embarking on his own account. If he build the ship, he does not despair of navigating her; at all events, he will not hesitate to try, when he has seen how others manage in the nautical line. It is the facility with which the Anglo-Americans mould themselves to circumstances, whatever they

may be, added to their habits of reflection and self-reliance, that accounts for their pre-eminence in colonization.*

The position of the Indians with whom General Houston was commissioned to treat, has been already explained. They were intruders from the United States, and so far as I have been able to ascertain, had only a possessory title to their lands. Encouraged by Cherokee example, several hundred Choctaw Indians passed from Natchitoches in 1832-3, and located themselves in the municipality of Nacogdoches, bringing with them the assurance that many more of their tribe contemplated a similar movement. In the treaty concluded at the city of Mexico in 1830, between the Mexican Republic and the United States, provision was made by the 33rd article, that "all hostilities and incursions" by the Indians within the two Republics, should be reciprocally prevented by force. On the 24th of February, 1833, Colonel Bean, of the Mexican Cavalry, addressed a complaint from Nacogdoches to the Secretary of War of the United States (Lewis Cass), concerning the in-

* Amidst all the difficulties attendant on the first settlement in Texas, the Colonists provided for their own protection. At Beales' settlement in the Rio Grande District, a troublesome, expensive, and I may add, ineffective appendage—a Mexican guard—was required. Mr. Paulson, who accompanied the first body of emigrants, writes thus to the Directors of the Rio Grande Land Company, in June 1834. "The Colony has been left in very precarious circumstances. For their security, they have been obliged to engage several armed Mexicans, as a guard to watch day and night, and though the General at Matamoros has given his word to Dr. Beales to send up fifty soldiers, several months may arrive before they get there, and, when arrived, their pay and board will, if not (ultimately) paid, have to be advanced by the colonists."

trusion of the Choctaws, and apprised him of the intended entrance of several tribes of the Creek nation, located in Florida; requesting that the government would not only adopt such measures as would prevent future incursions, but also order all those Indians already within the province to remove to the lands assigned them in the United States. "I flatter myself"—wrote Colonel Bean—"with the present existing treaties, and the otherwise friendly relations subsisting between the two governments and their citizens, that the President of the United States will feel bound, from his elevated political as well as moral character, to arrest and prevent the intentions of the tribe or tribes of the Creek Indians, from any and all contemplated 'incursions,' into the territories of Mexico, and particularly of this province. The consequences to its white inhabitants may prove of a character not only disastrous to them, but such as would claim the consideration of every humane and honourable breast." In the spring of 1835, an attempt was made by a speculator named Hotchkiss, to purchase a settlement for 20,000 Creek Indians, on Filisola's Grant in Texas; but the scheme was defeated by Mr. W. H. Wharton, a public-spirited Texan, who laid the facts before President Jackson, by whom an "Admonition" was directed to the Creeks, telling them that he was bound by treaty with Mexico to keep them off the Mexican territory, and declaring that he would not permit them to emigrate to Texas. The mention of these facts will enable the reader to comprehend the motives of the United States Government, in issuing certain instructions to the Gene-

ral in command on the Western frontier during the progress of the Texan revolutionary war.

While intelligence from various quarters conveyed assurance to the Texans that Santa Anna was preparing to march against them, with the determination to sweep away everything save "the recollection that they once existed"—their appeals to their friends and relatives in the United States had not been disregarded. In Louisiana, Tennessee, Alabama, Georgia, and other States, money had been subscribed, and volunteer companies enrolled, to aid their cause. The sums contributed were not large, nor the number of the auxiliaries considerable, but they arrived at a seasonable time, and were granted with an enthusiastic spirit. At Courtland, in Alabama, a number of young men, including some of the highest respectability, who had wealth enough to place them above the suggestions of interest in the adventure, formed a company, called the "Red Rovers," and invited a fellow-citizen, Dr. Shackleford, to take the command. This gentleman had filled several situations of honour and trust in the State of Alabama, and when he consented to embark in the cause of Texas, he resigned the appointment of receiver of public monies at the Land Office at Courtland. He relinquished also a medical practice worth from four to five thousand dollars per annum, with the society of an interesting family and a numerous circle of friends, and a home where he was familiar with every comfort, and a neighbourhood in which he was respected and esteemed. Not only did Dr. Shackleford accept the command of the volunteers, he also provided

seventy-five stand of arms for their use, at his own expense. The company of Red Rovers left Courtland on the 12th of December, and arrived at New Orleans on the 1st of January, 1836. On the 19th of January they landed at Matagorda, remained there a fortnight, subsisting on game (some part of the time on wolves), were taken off by a lighter, and carried up the La Baca to Texana. From Texana Captain Shackleford sent an express to the public authorities, stating that he had led a company into the country at their own expense; that if they could be of any service to the cause of Texas, they pledged themselves to remain in the field—not for a term of three, or six, or twelve months, but as long as there was one of their number left, or so long as there was an enemy to be found in the territory. But, if otherwise—if their services were not required—they would return to the United States, without subjecting Texas to any expenditure. The offer of the Red Rovers was, of course, gratefully accepted, and they were ordered to join Colonel Fannin at Goliad, where they remained, performing many arduous duties. To the Auxiliary Volunteers Fannin tendered this prudent counsel:—"Engage not in the political affairs of Texas; leave these things in the hands of those whose all is in the soil of the country. They have reclaimed a wilderness, under many of the most disheartening circumstances, and should be permitted to determine for themselves the proper course to pursue. If you propose a permanent settlement in the country, your interests must prosper or decline as theirs do. If you only come to aid their

cause and the rights of man, and intend returning to your families, it would be trifling too much with the right of suffrage. Mistrust any one who attempts, by whatever means, to draw you into the vortex of political discussion."

The question whether Texas should continue to struggle for the re-establishment of the Federal Constitution of 1824, or make a Declaration of Independence, and form a Republican Government—was warmly agitated by the Colonists at the close of 1835. Among the candidates for seats in the Convention to be held on the 1st of March, 1836, some declared that, if elected, they would advocate "the propriety of a Declaration of Independence, unless a change took place in the political affairs of Mexico;" while others avowed their intention, "under the present aspect of affairs, to advocate adherence to the Constitution of 1824."

Demonstrations in favour of independence had been made at Goliad, Texana, and San Augustine. The advocates of this policy maintained that Texas was no longer morally or civilly bound by the compact of Union, after the subversion of the Federal Constitution by Santa Anna. They observed, that the Anglo-Americans and Mexicans, if not primitively a different people, had been rendered essentially so by habit, education, and religion. The two races could not co-exist. The strong prejudices that existed at the first immigration, so far from being softened and neutralised, had been increased and confirmed. So long as the colonists of Texas belonged to the Mexican nation, their interests would be endangered, their prosperity cramped,

and their tranquillity more or less affected by the excitements of that revolutionary people. Of all the times for Texas to declare herself independent, the present they believed to be the most seasonable. The causes would fully justify the act, and win the approval of an enlightened world. In her present temporary and partial organization, she performed many acts of sovereignty: why not, then, execute them under an appropriate name? They were occupied in raising a regular force, but they never would have an efficient one until they had an established government performing all its functions.*

The party favourable to the continuance of the contest on Federal principles reminded the Colonists of their solemn obligations to maintain the Constitution of 1824, and adverted to the stand yet made against Centralism by the Mexican Liberals in the South, and to the probable hostility of the whole Mexican nation, in case they declared their independence. They had been told that by a Declaration of Independence they could become attached to the government of the United States. But had they any assurance to that effect? Interference with the territory of foreign nations, and all entangling alliances, it had ever been the policy of the United States to avoid. When Mr. Jefferson purchased Louisiana, it produced a tremendous excitement, and amounted almost to a severance of the Union. The constitutional power of the government to acquire foreign territory had ever been denied by the Republican party, and it was not probable that any

* Address of the Committee of Safety and Vigilance at San Augustine, December 22nd, 1835.

great change had taken place on that subject. The manufacturing interest, it was well known, was opposed to the acquisition of territory to the South; and these things, taken in consideration with the good faith that should be observed between governments, would, no doubt, induce the government of the United States to decline admitting Texas into the Union. What then would be their situation? An independent people, composed of about 60,000 inhabitants, deeply in debt, and not a dollar in the treasury.*

Communications were received, in the beginning of January, 1836, from Stephen Austin, who was then at New Orleans, where he had concluded a loan for 200,000 dollars, and expected to procure another for 40,000 or 50,000. In two of his letters published in the Texan newspapers at the time, he explained his views respecting a declaration of independence. He had always, he stated, been very cautious in involving the pioneers and actual settlers of Texas by any act of his, until he was fully and clearly convinced of its necessity, and of their capacity to sustain it. He had considered it his duty to be prudent, and even to control his own impulses and feelings, which had long been impatient under the state of things that had existed in Texas, and in favour of a speedy and radical change. When he left the country, he was of opinion that it was premature to stir the question of independence, although he wished to see the Colonists free from the trammels of religious intolerance and other

* Address to the People by James Kerr, Member of the Legislative Council of Texas. San Felipe de Austin, January 4th, 1836.

anti-republican restrictions. But, since his arrival in New Orleans, he had received information that induced him to think the time had come for Texas to assert her natural rights. He had not heard of any movement by the Mexican Federal party in favour of Texas and the Constitution of 1824. On the contrary, according to the latest news from Vera Cruz and Tampico, that party had united with Santa Anna to put down the Texans. Santa Anna was, by the last accounts, at San Luis Potosi, marching with a large force against Texas. One course, therefore, alone was left them—an absolute Declaration of Independence. Had it not been for the firm belief of the lenders that such a Declaration would be made by the Convention, when it should meet in March, they could not have obtained their loan. Whatever difference of opinion there might have been as to the *time* for this move, he hoped there would be none now. And "should a Declaration of Independence be made, there ought to be no limits prescribed, on the South, West, or North-West: the field should be left open for extending beyond the Rio Grande, and to Chihuahua and New Mexico."

CHAPTER XII.

Texan prospects at the opening of the year 1836—Removal of the Provisional Governor—Message of his Successor—Projected attack on Matamoros—Mexican Expedition against Texas—Military Outrages—March of Santa Anna to Bexar—Attack on the Alamo—Capture of the Fort and Slaughter of the Garrison—Colonel Crockett—Convention at Washington—Declaration of Independence—President Burnet's Address—Fate of King and his Party—Battle of the Coleto—Surrender of Fannin—Massacre of Texan Prisoners—Advance of Santa Anna—Battle of San Jacinto—Evacuation of Texas by the Invading Army.

THE year 1836 opened with inauspicious prospects for Texas. At a time when unanimity seemed essential to the existence of the Colonists, dissension broke out in the government. In a message transmitted to the General Council at San Felipe on the 10th of January, Governor Smith assumed the right to exercise certain powers with regard to the Council, which that body considered a dangerous invasion of its privileges. On the same day, the Council, by resolutions unanimously adopted, declared the office of Governor vacant, and called upon the Lieutenant-Governor, James W. Robinson, to discharge the duties of the same, according to the provisions of the second article of the Organic Law, creating a Provisional Government.

In his message to the Council on the 14th of January, the acting Governor, after expressing his conviction that the General Council ought to remain in Session until the meeting of the Convention on

the 1st of March, invited attention to matters of immediate public interest. The regular army, he observed, had not yet been recruited and filled up, and the enemy was preparing a more formidable force than they had yet encountered for an invasion early in the spring. The organization of an efficient army, and means for its support, would continue to form the object of their care, and considerations of economy demanded the reduction of a superfluous number of officers in the regiment of artillery. The closing of the land offices by the General Consultation had been attended with embarrassments to the *bonâ fide* settler; he therefore suggested the expediency of providing by law for the disposition of public lands to actual settlers then in Texas, or who might emigrate thither and settle on their locations, in accordance with the provisions of the Organic Law and laws of colonization; and that those citizens whose titles were not fully perfected should be authorised to receive them, under proper rules and regulations. It was also desirable that measures should be adopted for accelerating the organization of the judiciary, providing for the defence of the coast, and for rendering maritime intercourse more secure by surveys of the several ports. The rate of import duty being, in his opinion, too high, as the country was then situated, he recommended that ten and fifteen per cent. be levied and collected, instead of the existing charges of fifteen and twenty-five per cent.—it being their interest to attract capital and emigrants by affording to both all the facilities in their power. As two vessels had been purchased for the public service, and two more

expected through their agents abroad, a corps of marines should be created and got ready for service without delay. The district in or near Red River required the establishment of municipalities, with suitable officers for the administration of justice, and the formation of a mail route to Nacogdoches. Relief was due to those who had suffered in person or property by the siège of Bexar, and to the widows and orphans of the heroic men who had fallen in defence of the rights and liberties of the people. As important and necessary steps, he submitted to the consideration of the Council the necessity of proceeding by law for the protection of the vested rights and privileges of the citizens who were settled, or who had claims to lands, within or near the settlement of the Cherokee and other Indian tribes, and the appointment of a Commissioner to act in the place of General Houston, whose military duties had withdrawn him from co-operating with his colleagues. The happiness, the liberty, nay, the very existence of the Anglo-American population in Texas being dependent on the vigorous prosecution of the war against the Mexican Centralists and Santa Anna, he urged "the immediate reduction of the town of Matamoros and its dependencies, together with all places on or near the Rio Grande," which would greatly accelerate their future operations, and enable them to carry the war into the enemy's country, or conclude an honourable and advantageous peace.

The reduction of Matamoros had been recommended to the Governor and Council (without due consideration of the difficulties to be surmounted)

by P. Dimitt, Commandant of Goliad, in a letter dated from that place on the 2nd of December, 1835. Besides the transference of hostilities to the Mexican frontier, it was proposed to secure, by the capture of Matamoros, the large revenues of the port, estimated at 100,000 dollars monthly. This town, with a population of from six to eight thousand, including a considerable number of English and American traders, was the seat of a thriving commerce with the interior of Mexico—forwarding merchandise, by means of mules, even beyond Santa Fé, and receiving in return, by the same mode of conveyance, gold and silver, coined and in bars, furs, provisions, and other valuable and useful commodities. Flushed with the successes of the late campaign, entertaining a profound contempt for the Mexicans, and tempted by the richness of the prize, the Texans rashly embarked in an undertaking for which their means were altogether inadequate, and which they could not attempt without injuriously diminishing their defensive resources. Colonel Fannin, the government agent, announced an expedition to the West, and ordered the volunteers from Bexar, Goliad, Velasco, and elsewhere, to redezvous at San Patricio, between the 24th and 27th of January, and report to the officer in command. Colonel Francis W. Johnson, who commanded at Bexar, on the retirement of General Burleson, was authorised by the government to lead the volunteers in the projected enterprise.

On the 1st of January, 200 of the volunteers stationed at Bexar, had marched for Goliad, on their way to the rendezvous at San Patricio, under

the command of Colonel (Doctor) Grant. On the preceding day, a meeting of part of the garrison had been held, at which resolutions were passed, approving of Lieutenant-Colonel Neil as Commandant, in the absence of Colonel Johnson, and declaring it "highly essential that the existing army should remain in Bexar." This declaration was in condemnation of the movement against Matamoros, which stripped Bexar of two-thirds of its defenders, with the greater portion of the winter supply of ammunition, clothing, and provisions. On the 14th of January, Colonel Neil forwarded an express to the Provisional Government, intimating that a number of families were removing from Bexar, in apprehension of the advance of the Mexican army, of whose motions they could obtain no certain intelligence, owing to the want of horses. The volunteers that had engaged to serve for two or four months under Burleson or Johnson, had stipulated for monthly payment; but the money not being forthcoming, several had withdrawn, reducing the effective force under Colonel Neil to seventy-five men, which he feared would experience a farther diminution. Unless they were reinforced and victualled, it was the opinion of the Commandant that they must become an easy prey to the enemy, in case of attack. Along with this missive to the government, a requisition for aid of men and horses had been despatched to the Committee of Safety at Gonzalez. The imprudence of leaving the strongest and most important post in Texas in the condition described by Colonel Neil, is obvious. It was eventually productive of calamitous results, not compensated

by any advantages arising out of the Matamoros scheme, which was abandoned, in consequence of disagreement among the parties who had undertaken to carry it through. All the Bexar volunteers under Grant, with the exception of about fifty, left him, having heard that his object was plunder, and joined the force at Goliad, while Grant himself, who was subsequently joined by some twenty men under Johnson, proceeded on a foray for horses and cattle in the direction of Matamoros.

On the 1st of February elections were held for delegates to the General Convention, which was to meet at Washington, on the Brazos, on the 1st of March. In all the municipalities the choice of the people fell upon those candidates who were in favour of an absolute Declaration of Independence.

On the very day of the election of the delegates, the President of the Mexican Republic, General Santa Anna, set out from Saltillo, in Coahuila, for Monclova, on his route to the Rio Grande, where an army of 8,000 men, composed of the best troops of Mexico, and commanded by the most experienced officers, was to be assembled for the purpose of exterminating the rebels and driving the Anglo-Americans out of Texas. Santa Anna's confidential adviser was his aid-de-camp, Colonel Almonte, whose statistical researches in 1834 were now to be rendered available for uprooting, instead of planting, colonies. Second in command to Santa Anna, was General Vicente Filisola (by birth an Italian), a veteran of the Mexican revolution; attached to the army were also Generals Sesma, Urrea, Gaona, Tolsa, Andrade, Woll and Cos, the last of whom

violated the conditions of the first article of his capitulation at Bexar, by which he and his officers were permitted to retire with their arms and private property into the interior of the republic, "under parole of honour that they would not in any way oppose the re-establishment of the Federal Constitution of 1824." The artillery, of which there was an unusually large train, including mortars, was commanded by Colonel Ampudia; the engineer operations were directed by Colonel Luis Tola. There was an immense mass of baggage, with several thousand mules and horses for its transport; indeed all the preparations were upon a scale of grandeur that contrasted strangely with the contemptuous terms in which the heads and promoters of the expedition spoke of the people whose destruction it was intended to accomplish.* Mexican emissaries had been despatched to the north-eastern frontier of Texas, to obtain the co-operation of the Indians on both sides of the line; and remonstrances against the interference of its citizens in "a question entirely domestic" had been addressed by the Mexican minister of foreign affairs to the government of the United States. To deter the Americans from furnishing assistance to the Texans, the Mexican consul in New Orleans gave notice, by direction of the acting secretary of state, that the supreme government of Mexico had ordered the enforcement of a decree, which declared that armed foreigners landing on the coast of the republic, or invading

* According to General Filisola's account of the campaign, there was also an immense number of women in the wake of the army —"*Al immenso numero de mugeres que siguen al ejercito.*"

its territory by land, being citizens of no nation with which Mexico was at war, would be deemed pirates and dealt with as such; and that a like punishment would be awarded to all foreigners who should introduce, either by sea or land, arms or ammunition of any kind for the use of the rebels.* In consequence of the representations of the Mexican government on the one side, and the friends of the revolted colonists on the other, the executive of the United States directed its agents to employ every measure permitted by the laws for the preservation of neutrality on the south-western frontier of Louisiana, and for the arrest of all individuals who might be engaged under the orders of General Santa Anna in exciting the Indians to war. A letter from the Secretary of War to Major-General Gaines, of the United States Army, dated January 23rd, 1836, directed him to assume the personal command of all the troops of the United States that were, or might be, employed on the Mexican boundary, for the purpose of resisting by force any attempt of the contending parties to cross the frontier in arms, and for preventing hostile incursions of the Indians into Texas. He was also charged to render such assistance as the law prescribed, when called upon by the civil authority to aid in enforcing the neutral duties of the United States.

On the 12th of February General Santa Anna arrived at the Rio Grande, where he halted until the 16th. As early as the 6th, information of his move-

* Circular bearing date 30th December, 1835, addressed by the Secretary of the Department of War and Marine (Tornel) to the Civil and Military Commandants of the Mexican Republic.

ments had reached the Colonists at San Patricio. Don Placido Benavides, a Mexican Federalist, informed the advanced division of the Volunteer Army at this place, that the troops at Matamoros amounted to 1,000 men, and forces were gathering rapidly in all directions. Military violence had repressed the popular feeling in favour of the Constitution of 1824, which prevailed among the inhabitants of Tamaulipas and the Rio Grande. The whole country was given up to the troops, and the most atrocious outrages were tolerated, to induce them to press forward with ardour.* On the 7th of February, Colonel Fannin wrote to the Provisional Government, enclosing the despatch from San Patricio, and complaining of the apathy of the Colonists who remained at home, calculating upon the endeavours of their volunteer friends, many of whom had been in the field since November, without pay, and were then nearly naked. He urged the absolute necessity of providing coarse clothing, shoes, &c., for the troops first in service, and the immediate supply of ammunition. He had sent a detachment to San Patricio to bring off the artillery, and order a concentration of the troops at Goliad, and he intended to provide for the defence of that post and Bexar,

* "To raise funds and provisions, Cos causes each person to give an inventory of all he possesses, with valuation of each article, on which he demands one per cent. every twenty days. He then sends two men to make the appraisement over again, and, if their return be higher, he demands three per cent. in lieu of one. Each family has also to furnish a *fanega* of corn every twenty days, and the women are made to grind it, without respect to station. His soldiers have assassinated many of the most influential citizens, and their wives and daughters are violated."—*Despatch from San Patricio, signed "Robert Morris."*

keeping open a communication with the colonies. "In conclusion," he said, "let me implore you to lose no time and spare no expense in spreading these tidings throughout Texas, and ordering out the militia in mass; and spare us, in God's name, from elections in camp—organize at home, and march forward in order. * * * Look well to our coast—now is the time to use our small navy, and that to advantage; and unless soon afloat, we may fear the worst." Another communication, dated "headquarters, Goliad, February 16th," was received by the government from Fannin, in which he informed them that the enemy intended to enter the country in three divisions—one to take Bexar, under Generals Sesma, Filisola, and Cos; one against Goliad, under Urrea; and the third under Santa Anna himself; which, after aiding, if required, in the reduction of Bexar and Goliad, was to proceed directly into the heart of the colonies. He requested them to send from twelve to fifteen hundred men immediately to Bexar, with plenty of provisions, and from five to eight hundred to Goliad, with like stores, and then, with an army of reserve on the Colorado, all would be well. "Go ahead—rely on yourselves and the arms of your men. No aid need be expected from Mexicans."

General Santa Anna moved from the Rio Grande in the afternoon of the 16th, and at half-past twelve o'clock on the 23rd halted on the heights of the Alasan, near San Antonio de Bexar.* The whole of the invading army was ordered to concentrate at this place, with the exception of a division under General

* Manuscript Journal of the Campaign, by Colonel Almonte, found on the battle-field of San Jacinto by Dr Anson Jones.

Urrea, which had marched from Matamoros for San Patricio, the Irish settlement on the river Nueces. At two o'clock, according to Colonel Almonte's Journal, the Mexican army resumed its march—"The President and his staff in the van. The enemy, as soon as the march of the division was seen, hoisted the tri-coloured (Mexican) flag, with two stars, designed to represent Coahuila and Texas. The President, with all his staff, advanced to the burying-ground. The enemy lowered his flag and fled, and Bexar was occupied without firing a shot. At 3 P.M. the enemy filed off to the fort of the Alamo, where there were some pieces of artillery, among them one eighteen pounder. It appeared they had 130 men."

The Texan force in the Alamo was under the command of William Barrett Travis, who, on the appearance of the Mexicans on the 23rd, sent an express to San Felipe, soliciting men and provisions, and declaring that their little garrison would defend the place to the last. In another letter of the 24th, Travis avowed his determination never to surrender or retreat, although the enemy threatened to put the garrison to the sword unless they surrendered at discretion. He therefore appealed to the people of Texas and the Anglo-Americans, in the name of liberty, of patriotism, and everything dear to their character, to come to his aid with all despatch. Should this call be neglected, he was determined to sustain himself as long as possible, and die like a soldier, who never forgets what is due to his own honour and that of his country. "The Lord," he adds, "is on our side. When the enemy appeared in sight, we had not three bushels of corn. We

have since found, in deserted houses, eighty or ninety bushels, and got within the walls twenty or thirty head of beeves."

The Convention of Delegates for Texas, invested with plenary powers, met at Washington on the Brazos, on the 1st of March, and chose Richard Ellis, delegate from Red River, president. On the 2nd, General Houston, who was confirmed in his appointment as Commander-in-Chief, and who appeared as a delegate for the municipality of Refugio, issued a proclamation, announcing that war was "raging on the frontier," and Bexar besieged by 2,000 of the enemy, while the garrison was only 150 strong. "The citizens of Texas must rally to the aid of our army, or it will perish. *Independence is declared*—it must be maintained. Immediate action, united with valour, alone can achieve the great work. The services of all are forthwith required in the field."

Travis claimed to have repulsed the enemy in two attacks, on the 25th, and the night of that day, with considerable loss. The transactions from the 25th of February to the 4th of March are thus recorded in Almonte's Journal:—

"*Thursday, 25th.*—The firing from our batteries was commenced early. The General-in-Chief, with the battalion de Cazadores, crossed the river and posted themselves in the Alamo; that is to say, in the houses near the fort. A new fortification* was commenced by us near the house of M'Mullen. In the random firing, the enemy wounded four of the Cazadores de Matamoros battalion, and two of the battalion of Ximenes, and killed one corporal and a soldier of the battalion of Matamoros. Our fire ceased in the afternoon. In the night two batteries were erected by us on the other side of the river, in the Alameda of the

Alamo; the battalion of Matamoros was also posted there, and the cavalry was posted on the hills to the east of the enemy, and in the road from Gonzalez at the Casa Mata Antigua. At half-past eleven at night we retired. The enemy in the night burnt the straw and wooden houses in their vicinity, but did not attempt to set fire with their guns to those in our rear. A strong north wind commenced at nine at night.

"*Friday*, 26*th*.—The northern wind continued very strong; the thermometer fell to 39°, and during the rest of the day remained at 60°. At daylight there was a slight skirmish between the enemy and a small party of the division of the east, under the command of General Sesma. During the day the firing from our cannon was continued. The enemy did not reply except now and then. At night the enemy burnt the small houses near the parapet of the battalion of San Luis, on the other side of the river. Some sentinels were advanced. In the course of the day the enemy sallied out for wood and water, and were opposed by our marksmen. The northern wind continues.

"*Saturday*, 27*th*.—Lieutenant Menchard was sent with a party of men for corn, cattle, and hogs, to the farms of Seguin and Flores. It was determined to cut off the water from the enemy on the side next the old mill. There was little firing from either side during the day. The enemy worked hard all day to repair some intrenchments. In the afternoon the President was observed by the enemy, and fired at. In the night a courier was despatched to Mexico, informing the Government of the taking of Bexar.

"*Sunday*, 28*th*.—News received that a reinforcement of 200 men was coming to the enemy by the road from La Bahia. The cannonading was continued.

"*Monday*, 29*th*.—In the afternoon, the battalion of Allende took post at the east of the Alamo. The President reconnoitred. At midnight General Sesma left the camp with the cavalry of Dolores and the infantry of Allende, to meet the enemy coming from La Bahia to the relief of the Alamo.

"*Tuesday*, *March* 1*st*.—Early in the morning General

Sesma wrote from the Mission of Espada that there was no enemy, or traces of any, to be discovered. The cavalry and infantry returned to camp. At twelve o'clock the President went out to reconnoitre the mill site to the north-west of the Alamo. Colonel Ampudia was commissioned to construct more trenches. In the afternoon the enemy fired two twelve-pound shots at the house of the President, one of which struck it.

" *Wednesday, 2nd.*—Information was received that there was corn at the farm of Seguin, and Lieutenant Menchard with a party sent for it. The President discovered in the afternoon a covered road within pistol-shot of the Alamo, and posted the battalion of Ximenes there.

" *Thursday, 3rd.*—The enemy fired a few cannon and musket shot at the city. I wrote to Mexico, directing my letters to be sent to Bexar—*that before three months the campaign would be ended.* The General-in-Chief went out to reconnoitre. A battery was erected on the north of the Alamo, within pistol shot. Official despatches were received from Urrea, announcing that he had routed the Colonists of San Patricio *, killing sixteen, and taking twenty-one prisoners. *The bells were rung.* The battalions of Zapadores, Aldama, and Toluca arrived. The enemy attempted a sally in the night, at the sugar mill, but were repulsed by our advance.

" *Friday, 4th.*—Commenced firing early, which the enemy did not return. In the afternoon one or two shots were fired by them. A meeting of Generals and Colonels was held. After a long conference, Cos, Castrillon, and others, were of opinion that the Alamo should be assaulted *after* the arrival of two twelve-pounders expected on the 7th instant. The President, General Ramirez Sesma, and myself, were of opinion that the twelve-pounders should not be waited for, but the assault made. In this state things remained, the General not coming to any definite resolution."

* The settlement of Irish Catholic families on the Nueces. Power and M'Gloine's settlements were entirely broken up by the war.

A letter from Travis to the President of the Convention at Washington, dated 3rd of March, supplies the events subsequent to the 25th of February, as they were viewed by the besieged :—

"From the 25th to the present date the enemy have kept up a bombardment from two howitzers (one a five-and-a-half inch, and the other an eight-inch), and a heavy cannonade from two long nine-pounders mounted on a battery on the opposite side of the river, at the distance of four hundred yards from our walls. During this period the enemy have been busily employed in encircling us with intrenched encampments at the following distances:—in Bexar, 400 yards west; in Lavilleta, 300 yards south; at the powder-house, 1000 yards east by south; on the ditch, 800 yards north-east; and at the old mill, 800 yards north. Notwithstanding all this, a company of thirty-two men from Gonzalez made their way to us on the morning of the 1st instant, at three o'clock, and Colonel J. B. Bonham (a courier from the same place) got in this morning at 11 o'clock.

"I have so fortified the place that the walls are generally proof against cannon balls, and I still continue to intrench in the inside, and strengthen the walls by throwing up the earth. At least 200 shells have fallen inside our walls without having injured a single man; indeed we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. * * * *

"Colonel Fannin is said to be on the march to this place with reinforcements; but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Colonel Bonham, my special messenger, arrived at La Bahia (Goliad) fourteen days ago, with a request for aid; and on the arrival of the enemy in Bexar, I sent an express to Colonel Fannin, which reached Goliad on the next day, urging him to send on reinforcements—*none have yet arrived.* I look to the *Colonies alone* for aid; unless it arrive soon, I shall have to fight the enemy on his own terms. I will,

however, do the best I can under the circumstances; and I feel confident that the determined spirit and desperate courage heretofore evinced by my men will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost that enemy so dear, that it will be worse than a defeat.

"I hope your honourable body will hasten on reinforcements, ammunition, and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have: our supply of ammunition is limited. At least 500 lbs. of cannon powder, and 200 rounds of six, nine, twelve, and eighteen pound balls, ten kegs of rifle powder, and a supply of lead should be sent to this place without delay under a sufficient guard. If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighbourhood will be the great and decisive battle-ground. The power of Santa Anna is to be met here or in the colonies: we had better meet it here than to suffer a war of desolation to rage in our settlements. A blood-red banner waves from the church of Bexar, and in the camp above us, in token that the war is one of vengeance against rebels: they have declared us such, and demanded that we should surrender at discretion, or this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and with that high-souled courage which characterizes the patriot, who is willing to die in defence of his country's liberty and his own honour.

"The citizens of this municipality are all our enemies, except those who joined us heretofore; we have but three Mexicans in the fort. Those who have not joined us in this extremity should be declared public enemies, and their property should aid in defraying the expenses of the war.

"The bearer of this will give your honourable body a statement more in detail, should he escape through the enemy's lines.—*God and Texas! Victory or Death!*"

Reinforcements were arriving daily to Santa Anna, until the force at Bexar amounted to more

than 4,000 men, with all the means and appliances of war. For Travis and his little band, cooped within the walls of what one of the Mexican generals (Filisola) aptly termed the barrack (*del cuartel*) of the Alamo, there came no succour. Real and feigned attacks, a heavy bombardment, and the necessity of procuring wood and water outside the fort, wore down the physical energies of the garrison, but did not subdue their spirit. Soon after midnight on the 6th of March, the Mexican army, commanded by Santa Anna in person, surrounded the fort, for the purpose of taking it by storm, cost what it might. The cavalry formed a circle around the infantry, for the double object of pricking them on, and preventing the escape of the Texans. Long before daylight, the Mexicans advanced towards the Alamo, amidst the discharge of musketry and cannon. Twice repulsed in their attempt to scale the walls, they were again impelled to the assault by the exertions of their officers, until, borne onward by the pressure from behind, they mounted the walls, and, in the expressive language of an eye-witness, "tumbled over like sheep." Then commenced the last struggle of the garrison. Travis received a shot and fell as he stood on the walls, cheering on his men. When he dropped, a Mexican officer rushed forward to despatch him. Summoning up his powers for a final effort, Travis met his assailant with a thrust of his sword, and both expired together. The brave defenders of the fort, overborne by multitudes, and unable in the throng to load their fire-arms, continued the combat with the but-end of their rifles, until only seven were left, and these were refused

quarter. Of all the persons in the place, no more than two were spared—Mrs. Dickerson and the negro servant of the Commandant. Major Evans, of the artillery, was shot while in the act of firing a train, to blow up the magazine, by order of Travis. Colonel James Bowie, who had been confined several days by sickness, was butchered in his bed, and his remains savagely mutilated. The rudest form of sepulture was denied the dead. Their bodies were stripped, thrown into a heap, and burnt, after being subjected to brutal indignities, in the perpetration of which General Santa Anna has been charged with being a leading instrument *. The obstinate resistance of the garrison, and the heavy price which they exacted for the surrender of their lives, had exasperated the Mexicans to a pitch of rancorous fury, at which all considerations of decency and humanity were forgotten. I have seen no authenticated statement of their loss. In Newell's account of the revolution it is set down at 1,500; but this seems to be considerably over the mark, as, previous to the storming of the fort, the artillery was the only arm employed, and it may be presumed that Santa Anna's troops would not venture needlessly within range of the Texan rifles.

With the exception of the reinforcement of thirty-two men from Gonzalez, nearly all the garrison of the Alamo were Auxiliary Volunteers. In a list of 115, four are described as Irish, four English, two Scots, and one Welsh; the remainder were

* "Santa Anna, when the body of Major Evans was pointed out to him, drew his dirk and stabbed it twice in the breast."—*Revolution in Texas, by the Rev. Chester Newell.*

from different parts of the United States. Colonels Travis and Bowie had been several years in Texas. Among the slain there was one who, surrounded by a heap of the fallen enemy, displayed even in death the freshness of the hunter's aspect, and whose eccentricities, real or reputed, have familiarized England with his name—David Crockett of Tennessee, a character such as could only have been produced and perfected within the limits of his own country.

The whole man, physical and mental, was of frontier growth. His playthings from infancy were the axe and the rifle. Few among his youthful companions displayed more activity and strength; none aimed his piece with a steadier hand or truer eye. In the metaphorical eulogy of the western woodsmen, he was more than "a horse,"—he was "a steam-boat." During the war of 1812 David took up arms for his country, and fought bravely, though no admirer of parade or drill. After the war, he turned to industrious pursuits, and was a successful hunter and thriving planter. Hospitality kept cheerful watch at his door, and the wayfarer was ever welcome to a plentiful meal, and a glass of "old Monongahela."

The ambition to be politically distinguished, which prevails wherever free institutions are established, is, perhaps, a more active passion in new states than in old. Crockett did not escape the general mania for public life. His conscience told him that he was an honest man, and rumour and the newspapers strangely lied if there were many of the same stamp in the great house at Washington. Reforms were wanting—there was no question of that—but

means were essential to an end, and sound reforms demanded clean-handed legislators. David felt that he had a call. He had mastered the "varmint" of the woods—"coon," bear, and panther—and why should he not "use up" the prowlers that preyed upon the commonwealth?—The great Tennessee hunter determined to "run for Congress."

The stump of a tree is frequently the rostrum of a western orator; hence the name of "stump speeches" has been given in the States to those morsels of eloquence which are seasoned and sauced exclusively for the popular palate. Possessed of robust health and powerful lungs, backed by never-faltering perseverance, Crockett was a giant on the stump. If poor in classical lore, he was affluent in the figures and phraseology of life in the West. After a long and arduous struggle, he was chosen a member of Congress for Tennessee.

His career as a patriotic legislator disappointed his hopes, and fell far short of his electioneering promises. When he entered Congress he imagined that his prowess as a hunter and a wrestler would inspire his opponents with awe, and enable him to shoulder the state waggon out of the ruts by a few prompt and dexterous heaves; but he found difficulties at Washington which he never contemplated when an aspirant for representative honours. The first thing, he said, that "bothered" him were the Congressional rules and orders, and "what these rascally things were made for he could not reckon, for they did no good." If he happened to damage these rules and orders, and then got in a "fair track," his tongue did not wag so glibly as it used to do on the stump,

and he frequently found himself short of breath and his knees weak when he attempted to harangue the House. He could not understand this, but he found it was so day after day. He often looked round to see if there were any man bigger and stronger than himself to produce this quaking, for, until then, none but a stronger man than himself could shake his nerve. His visions of reform, one after another, vanished, for he could not make the members listen to his reasoning. He began to suspect that he had different work to do than when he used to go "a gunning." Often as he might hit a political wild cat, the "crittur" held out, as if it had nine times the nine lives attributed to grimalkin.

Many an odd saying and grotesque story was fathered on "Colonel Crockett," whose raciness of speech and manners was, however, spoiled by mixing in political society. He lost the wild originality of frontier, without acquiring the polish or sprightliness of city, life. Still, Washington had its attractions, and he was anxious to retain his place in the legislature; but he must have his own way, and would not submit to be trammelled; the consequence of which was that his constituents chose a more pliable candidate. This was a heavy blow to David, who had been for years a "lion," and to whom excitement of some kind was indispensable. Disgusted with politics and irritated by public ingratitude, military renown acquired fresh attractions in his eyes. At this time Texas had raised the standard of resistance against military usurpation. To the cause of Texan liberty he resolved to devote himself, and, shouldering his rifle, he started for the

Sabine, and arrived at Nacogdoches, accompanied by several volunteers, in the commencement of the war. Having determined to become a citizen of Texas, he proceeded with his companions to the office of Mr. Forbes (then first judge of the municipality), to take the oath of allegiance, which was tendered to him in the following form:—

"I do solemnly swear that I will bear true allegiance to the Provisional Government of Texas, or any future Government that may be hereafter declared; and that I will serve her honestly and faithfully against all her enemies and oppressors whatsoever, and observe and obey the orders of the Governor of Texas, the orders and decrees of the present or future authorities, and the orders of the officers appointed over me according to the rules and articles for the government of Texas,—So help me God."

Crockett was not the man to make a solemn declaration without scrutinizing its import. He refused to take the oath as tendered, stating that although he was willing to swear to support any future *Republican* Government, he could not subscribe his name to this form, as the "future" Government might be despotic. Mr. Forbes then inserted the word "republican" between the words "future" and "Government;" and the instrument was signed. The original, deposited in the office of the War Department of Texas, exhibits the interlineation and the autograph of David Crockett.

Biography is the handmaid of History, and frequently a more agreeable companion than her mistress; I therefore offer no apology for this brief notice of one of "the heroes of the Alamo." Poor David! thy simple uprightness merited a happier

end! Yet, to borrow a phrase of thine own coinage, thou didst "go a-head for the right;"* and thy blood was shed upon a holy altar, and from thy smouldering ashes arose a flame which streamed from the San Antonio to the Mississippi and Ohio, lighting up, in many a generous heart, a fire not to be extinguished, so long as those who dishonoured thy manly form continued to tread the soil in which their barbarian vindictiveness denied thee and thy gallant comrades the humble privilege of a soldier's grave!

On the 2nd of March, the Convention of Texas, assembled at Washington, agreed unanimously to a Declaration of Independence, in which the principles on which this measure was deemed justifiable, and the provocations that led to it, were expounded and recited.† After a recapitulation of the grievances endured from Mexican mal-administration and faithlessness, the declaration thus concludes:—

"These and other grievances were patiently borne by the people of Texas until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national Constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the interior. We are consequently forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military

* "*If for the right*, go a-head," was the original saying of the Colonel, for which, in its complete form, I am indebted to Mr. Webster, at present Secretary of State in the Harrison Administration, who rectified my imperfect version of this now universal Americanism, at Washington, in the spring of 1839.

† See Appendix, No. V.

government; that they are unfit to be free, and incapable of self-government. The necessity of self-preservation now decrees our eternal political separation.

"We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn Convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and DECLARE that our political connexion with the Mexican nation has for ever ended, and that the people of Texas do now constitute a FREE, SOVEREIGN, AND INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent States; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations."

Fifty delegates, including Lorenzo de Zavala, subscribed the declaration.

On the 16th of March, the Convention passed executive ordinances, preliminary to the establishment of a Constitution for Texas;* and on the following day the Constitution was adopted. On the 18th of March, the Convention adjourned, having appointed an Executive Government *ad interim*, which was invested with full authority to do all and everything that was contemplated to be done by the General Congress of the people, under the powers conceded by the Constitution. The following appointments were made:—David G. Burnet, President; Lorenzo de Zavala, Vice-President; Colonel Carson, Secretary of State; Bailey Hardiman, Secretary of the Treasury; Colonel Thomas J. Rusk, Secretary of War; Colonel Robert Potter, Secretary

* For the Ordinances and Constitution, see Appendix, Nos. VI. and VII.

of the Navy; David Thomas, Attorney-General; J. R. Jones, Postmaster-General.

Mr. D. G. Burnet, the Provisional President, was the son of a physician in Newark, New Jersey, who, in 1775, abandoned his profession and devoted himself to the cause of the American Revolution. In the autumn of 1776, he was elected to Congress, and, in December following, was appointed Surgeon-General of the army in the Eastern Department. Mr. D. G. Burnet, with his brothers, emigrated at an early period to the State of Ohio, a late Chief Justice of which state was a near relative of the family. Mr. Burnet was educated for the legal profession; and a writer in a respectable American periodical states, that he was long a resident of Ohio, where he is remembered as a man of unblemished reputation, courteous manners, and intellectual attainments. My own short acquaintance with Mr. Burnet gave me a very favourable impression of his character. In the affairs of Texas he has always been distinguished by calmness and moderation, and has not unfrequently been exposed to censure for declining to keep pace with popular impatience. This prudence and forbearance, united with firmness and perseverance, well qualified him to fill the difficult post to which he had been called by the Convention. In his Inaugural Address, he reminded the delegates, in impressive terms, of the duties which had devolved upon them:—

"Texas is, and has been for eighteen years, the land of my peculiar affections; and to aid her in this day of her trial, and, I trust, of her glory, would confer upon me a nobler gratification than could be derived from the attain-

ment of any other earthly object. But I am only one individual among a host, and my single efforts would be impotent and unavailing: *Texas demands the utmost energies of every citizen.* We are engaged in an arduous and difficult contest; our enemy is powerful in numbers and in means: but we also are strong in the rectitude of our cause, and in that indestructible inheritance of gallantry which we derive from the illustrious conquerors of 1776.

"If the highest courage were alone sufficient to accomplish our great enterprise, then would Texas be safe and her independence established beyond the utmost efforts of her enemies to impair it. But courage is only one among many virtues, and will not alone avail us in this solemn crisis of our affairs. The desultory efforts of brave men may be easily defeated, when their united energies would triumph over all resistance. Let us then, gentlemen, lay our heads, our hearts, and our hands together, and, like a band of brothers, feeling one interest and one affection, look with a single eye to one common object—*the Redemption of Texas.* * * * * * *

"We have undertaken a great, glorious, and hazardous enterprise; and each of us and every citizen of Texas is deeply and irrevocably compromitted to its accomplishment. To effect this object will require the exercise of many and various virtues. The display of the rarest military prowess is not alone sufficient; we must also show, by practical illustration, that we know how to exercise and appreciate the milder, less obtrusive, but more useful attributes of justice and truth, which render nations as well as individuals respectable under all the vicissitudes of time. We are about, as we trust, to establish a name among the nations of the earth; and let us be watchful above all things that this name shall not inflict a mortification on the illustrious people from whom we have sprung, nor entail reproach on our descendants. We are acting for posterity; and while, with a devout reliance on the God of Battles, we shall roll back the flood that threatens to deluge our borders, let us present to the world such testimonials of our

moral and political rectitude as will compel the respect, if not constrain the sympathies, of other and older nations.

"The day and the hour has arrived when every freeman must be up and doing his duty. The Alamo has fallen! The gallant few who so long sustained it have yielded to the overwhelming power of numbers; and, if our intelligence be correct, they have perished in one indiscriminate slaughter: but they perished not in vain! The ferocious tyrant has purchased his triumph over one little band of heroes at a costly price; and a few more such victories would bring down speedy ruin upon himself. Let us, therefore, fellow-citizens, take courage from this glorious disaster; and while the smoke from the funeral piles of our bleeding, burning brothers, ascends to Heaven, let us implore the aid of an incensed God, who abhors iniquity—who ruleth in righteousness, and will avenge the oppressed."

During the sitting of the Convention, the illegal land-sales of the Legislature of Coahuila and Texas, the relations of the Colonists to the north-eastern Indians, and the claims of volunteers from the United States, came under consideration. A provision introduced into the Constitution declared the act of the State, passed in the year 1834, "in behalf of General John T. Mason, of New York, and another of the 14th of March, 1835, under which the enormous amount of 1,100 leagues of land had been claimed by sundry individuals, some of whom resided in foreign countries, and were not citizens of the Republic (which acts were contrary to articles fourth, twelfth, and fifteenth of the laws of 1824 of the General Congress of Mexico), together with such and every grant founded on these acts, and all eleven league claims located, contrary to the laws of Mexico, within twenty leagues of the boundary-line

between Texas and the United States," null and void. With respect to the Indians, no conclusive arrangement was made: a form of treaty was presented by General Houston, but it did not receive the sanction of the delegates. A liberal bounty in land was granted to volunteers in addition to their pay and rations:—to all then in service, and who should continue to serve faithfully during the war, 1,280 acres; to all who had served or should serve faithfully for a period of not less than six months, 640 acres; to all who had served faithfully for a period of not less than three months, 320 acres; to all who should enter the service previous to the first day of July, and continue to serve faithfully during the war, provided the war endured for a period of more than six months, 960 acres; to all who should enter the service after the 1st day of July, a quantity, proportionate to their services, to be afterwards determined by law. The lawful heir, or heirs, of all such volunteers as had fallen, or might afterwards fall, in the contest with the Mexican Government, or who had died or might die from any accident while in the service of the country during the war, to be entitled to the quantity of land which would have been due to the deceased under the colonization law, as established by the laws of the land, had he survived; namely, one league and lot (or 4604 acres) for a man of family, and one-third of a league (1476 acres) for a single man; and the said heir or heirs should also receive, in addition to the land thus granted, a bounty of 460 acres, as decreed by the Council at San Felipe, on the 11th of December, 1835. It was further resolved, that

no bounty of land granted to a volunteer, as such, should affect his right to land under the colonization laws; and in case volunteers, through error, should locate any of their claims on lands previously held by legal title or possession, they were to be allowed to "lift said location, and again locate said claims upon any vacant lands in the Republic."*

After the fall of the Alamo, the whole of the Auxiliary Volunteers in Texas did not amount to much above 400 men, who were chiefly under Fannin, at Goliad. The Colonists, who had "whipped" the Mexicans in the campaign of 1835, and signalized themselves by storming Bexar, did not display the same alacrity in 1836, either through contempt of the enemy, or from reluctance to withdraw their protection from their homes and families. With a view to an equal distribution of the burden of defence, the Convention provided, by the eighth section of the general provisions of the Constitution, that all persons who should leave the country for the purpose of evading a participation in the existing struggle, or who should refuse to participate in it, or furnish aid or assistance to the enemy, should "forfeit all rights of citizenship and such lands as they might hold in the Republic."

While Santa-Anna was concentrating his forces at Bexar, General Urrea was proceeding with his division along the line of the coast. Colonel Johnson and Dr. Grant, with the volunteers that adhered to them after reaching Goliad, had advanced to the frontier settlement of San Patricio, on the Nueces,

* Resolutions adopted in the Convention of Texas, at the town of Washington, on the 17th of March, 1836.

whence they made occasional incursions on the enemy. In one of these inroads they captured a small reconnoitring party of Mexicans, led by a person named Rodriguez, who was allowed the privilege of remaining a prisoner on his parole, the lives of his men being spared. About the time of the attack on the Alamo, Johnson and Grant, with their followers, were severally surprised by the Mexicans, and, with the exception of Johnson and another, who effected their escape, every Texan was cut off. According to Mrs. Holley, the captor of one of the parties was the same Rodriguez who was taken under nearly similar circumstances, and who had rejoined his countrymen by violating his parole. The slaughter of Dr. Grant and his band of twenty Anglo-Americans and three Mexicans occurred on the 2nd of March, and a report from General Urrea, magnifying its importance, was received by General Santa Anna on the 7th.*

Early in March, the Texan Commander-in-chief, General Houston, established his head-quarters at Gonzalez, where his whole strength did not amount to 300 men, some of whom were without muskets. Hearing of the fall of the Alamo, he retired on the 10th from the Guadalupe to the Colorado, to obtain reinforcements and supplies. All the property that could not be removed from Gonzalez was destroyed, and the buildings burnt. Orders were despatched by General Houston to Colonel Fannin, directing him to abandon the fort at Goliad and fall back

* "Evacuation of Texas," by General Vicente Filisola.—The affair is styled by Filisola an insignificant advantage—"*insignificante ventaja.*"

upon Victoria. Unfortunately for Fannin and his men, these orders were not obeyed in time.

Having received intelligence of the advance of the Mexican army towards the Mission of Refugio, Fannin ordered a detachment of fourteen men,* under Captain King, to effect the removal of some families resident there to a place of safety. On the 9th, King approached Refugio, and found himself in the presence of the enemy, who sent a troop of cavalry to cut off his retreat. Before the cavalry came up, he succeeded in occupying a piece of woodland, where he kept the enemy at bay with the rifle. The skirmishing continued until night, when King retreated towards Goliad, but, losing his way, discovered next morning that he was only three miles from the Mission, in an open prairie, and his ammunition wet. Here, having neither means of defence nor opening for retreat, he was obliged to surrender. He was taken on the 16th of March, and shot, by command of Urrea, in less than six hours, with all his men, except one who was mortally wounded in the field. A courier despatched by Fannin to hasten the return of the detachment, shared the same fate. Doctor Thorn, of Natchez, who was taken, with other American volunteers, immediately after landing at Copano, bore testimony to the massacre of the thirteen prisoners by General Urrea, to whom he expresses himself indebted for "many marks of kindness and courtesy." * * "The day after my arrival at the Mission,"

* According to Newell, twenty-eight; but General Urrea's Diary specifies fourteen as the number taken, and I have seen no account of the escape of any.

says this apparently dispassionate witness, "I was sent with a guard to Goliad, and, at the distance of a mile from the Mission, I saw the mangled remains of Fannin's unfortunate courier, and at a short distance farther, the company of Captain King, murdered, stripped of their garments, denied the privilege of burial, and left as food for the loathsome vulture and the ravenous wolf."*

No tidings having arrived from King, Fannin despatched a second and larger detachment towards Refugio, comprising the battalion of Lieutenant-Colonel Ward, the second in command at Goliad. Ward had two engagements with the Mexicans, in the first of which he was victorious; in the second, he was overpowered by numbers, and forced to surrender. From muster-rolls of the companies that served under Fannin, compiled with care, after the destruction of the originals along with other executive documents, in the course of the war, I have ascertained that the whole force under the Commandant of Goliad, including the detachments of Ward and King, was about 480 men. With his strength weakened by the amount of these detachments, for the absence of which he could not account, Fannin was in danger of being overwhelmed by the division of Urrea, whose cavalry was seen within a few miles of Goliad on the 17th of March. An express from General Houston, with an urgent order to retreat, reached Fannin at Goliad on the 14th.

Rumour had fixed the number of the advancing Mexicans at 2,000 men, and the spies had reported

* Narrative of Dr. W. N. T. Thorn, published in the *Mississippi Free Trader*, Nov. 29, 1838.

them to be "well-appointed regulars." Captain Horton having been sent to reconnoitre, verified the report as to the character of the force, and with other officers advised Fannin to evacuate Goliad without delay, while they had still a prospect of forming a junction with Houston before the main body of the enemy came up. Still hoping that Ward, who led a volunteer battalion from his native State of Georgia, would come in, Fannin (also a Georgian) lingered until the morning of the 18th, when before day the advance guard, consisting of twenty-eight mounted men, under Captain Horton, were in the saddle. The abandonment of the cannon, removable by oxen only, was recommended to expedite the retreat. "No," replied Fannin, "my cannon must go with me; I expect a fight, and I cannot do without them." Orders were given to dismantle the fort, as far as was practicable, and to burn the buildings. I borrow the subsequent details from a published narrative very inartificially written, but bearing internal evidence of being the unvarnished account of an eye-witness. Fannin's line of retreat, it will be remembered, lay across the San Antonio River and Coleto Creek, to the village of Victoria, beyond the River Guadalupe.

"The only American non-combatant residing at Goliad (Mrs. Cash) accompanied the troops in the retreat.—It was 10 o'clock ere the rear-guard had crossed the river, and they hastened towards Victoria, until Fannin, judging it time to give his oxen rest, ordered a halt, and had them ungeared for an hour; after which preparations were made for a second move, but, alas! one of the carts broke down soon after they started, thus causing another delay, to distribute the load on the other waggons, when minutes were

precious to us. However, they again took up the line of march; Fannin ordered Horton to proceed a-head with his command, and scour the timber bordering the Coleto, which lay on their left; he himself brought up the rear. Thus the troops moved on half a mile farther, when two Mexicans came out of the Coleto timber a mile behind them—not in their front, from whence Fannin supposed them likely to appear. They halted on the edge of the prairie and reconnoitred for ten minutes, and then retired back into the woods; soon after they again returned accompanied by four others, and after reconnoitring a short time, the enemy's advance guard of cavalry made their appearance, deploying into the open ground in platoons four deep. They immediately galloped after our troops, and when within a fourth of a mile of them, they separated and passed on in double files, having the Americans between them, until their van was half a mile a-head of the battalion, in the direction of Victoria, when they wheeled from both divisions and galloped to the centre, until their ranks again met; their rear also closed in the same manner, and our friends found themselves surrounded on all sides by the enemy. For half an hour each party was preparing for the coming struggle. Our men saw at a glance that their only hope rested in their courage and decision; and they threw themselves into a hollow square, facing outwards."

The effect of a piece of artillery, fired against Fannin's orders, satisfied Urrea, who had no cannon on the ground, that to win the day he must come to close quarters; he therefore ordered a charge of cavalry. They galloped in "dashing style" towards the Texan battery, when they were broken by a discharge from seven pieces.

"The shock was sudden: they halted, drew up their horses, and faltered when encouraged to return to the charge; finally they turned tail and retreated to the woods, full two miles off, where they were again formed, and prepared for another attempt to carry the battery by storm. In the

mean while, the enemy's infantry kept up a harmless fire, advancing on our lines after each round; but they were only suffered to take ground within rifle range, where they were stopped, for the boys burnt no powder in vain. As soon as the cavalry had retreated, our artillerists wheeled their pieces to the right about, and scattered grape and death among the infantry, who were thus in their turn driven back to the Coleto timber, about half a mile off.

"As soon as Urrea could restore order to his lines he again advanced. His infantry came up in double quick time, and his cavalry in a 'slope,' until they were within range, when the artillery again checked them with a single volley, and they turned tail and scampered for the woods as before. Their infantry advanced just near enough to lose a man at every rifle crack, but not near enough to do execution on our friends, for their ammunition was poor, and their marksmen were unaccustomed to the use of the musket; their officers were marked targets, and they suffered accordingly. As soon as the cavalry had started for the timber, our artillery wheeled about as before, and sent the infantry off also. As yet our friends were unscathed.

"In about half an hour after their second repulse, Urrea succeeded in putting his columns in order. They were reluctantly driven by their officers to the assault for the third time, for it required great exertions to induce them even to make a show as though they intended to advance to the charge; our men saw the officers beating them over the shoulders, and *coaxing* them on by pricking them from behind. They however succeeded in urging them to within fifty or sixty yards of our lines, on either side, but then again the grape and canister from our artillery mowed down their cavalry as if they were rushes, while their infantry suffered martyrdom under the fire of our rear and left divisions. Their front ranks were so suddenly swept off, as almost to form a breastwork sufficient in itself to shield our friends from their assaults. The scene was now dreadful to behold; killed and maimed men and horses were strewn over the plain, the wounded were rending the air with their distressing moans, while a great

number of horses without riders were rushing to and fro back upon the enemy's lines, increasing the confusion among them: they thus became so entangled, the one with the other, that their retreat resembled the headlong flight of a herd of buffaloes, rather than the retreat of a well-drilled regular army, as they were. In the rush back, a number were overthrown and trodden under foot. The Mexican officers exerted themselves to bring them again to the charge for the fourth time, but without avail. The cavalry could not be urged within rifle range: they contented themselves with firing their carbines at such a distance as did no execution; but they met with greater success in stabbing their infantry on: for in that manner they urged them to the assault. They halted when within sixty yards of our lines, and held their ground under a murderous fire from our riflemen.

"It was now about dusk; and Urrea bethought himself of a plan of attack which answered but too well. He directed the Campeachy Indians, who were better marksmen than any other of his troops, to throw themselves into the tall grass and approach, as they did, within thirty paces of our lines. They then commenced a well-directed fire upon us, which told most destructively, by wounding fifty and killing four in the space of an hour. The darkness of the twilight and the confusion arising from the smoke prevented our men from discovering the exact position of their dangerous neighbours, who were so well concealed in the grass that they could not dislodge them. Among the wounded was Harry Ripley, a youth of eighteen or nineteen, the son of General Ripley, of Louisiana; he, poor fellow, had his thigh broken soon after the Indians first took to the grass. Mrs. Cash, at his request, helped him into her cart, and fixed a prop for him to lean against, and a rest for his rifle; while in that situation, he was seen to bring down four Mexicans before he received another wound, which broke his right arm; he immediately exclaimed to Mrs. C., 'You may take me down now, mother; I have done my share; they have paid exactly two for one on account of both balls in me.' Such was the spirit that

animated every man among the assailed save two, who had run under a cart early in the engagement, and covered up their heads. One of them was familiarly called Black Hawk, as he professed to be a very fire-eater—but his courage was all in his tongue.

"So soon as the darkness rendered the flashes of the Indians' guns visible, they began to pay the piper, for our boys were quick on the trigger, and at that distance took care that a second flash should not be seen from the same weapon; so they soon used them completely up, and then Urrea drew off his troops. They retired about a quarter of a mile off on each side, and rested on their arms all night. It was determined by our friends to throw up a breast-work; so the poor fellows set to work, and they dug a ditch on all sides: with the earth, their baggage, and ammunition waggons they made a very passable fortification. The wounded suffered agonies for want of water, and by their moans and petitions for it made the situation of those who had escaped unhurt even more distressing. They, however, worked manfully, and accomplished more than could have been expected of them, wearied and thirsty as they were. During the whole night, the Mexican General caused his bugles to sound at intervals of five minutes, with the view of keeping his troops on the look-out."

Early in the morning, the Texans discovered that the labour of the night had been in vain. Urrea had received a reinforcement of 500 fresh troops, with a supply of artillery.

"The trench thrown up by the battalion offered no protection against anything but musketry, and the waggons and other baggage only served as missiles to destroy our troops, for a single discharge would have so shattered every thing that each fragment would have injured somebody. The temporary work had not been thrown up as a defence against artillery, but against infantry and cavalry; and had the artillery not been brought against it, the probability is that Fannin would have been victorious in the end, for the previous day's engagement had cut off 600 effective men from Urrea's ranks; but such another day's work

was necessary to render the relative numbers of the opposing forces so nearly equal that our friends would have merely had to turn out, and knock their opponents down with the butts of their rifles. However, as soon as Colonel Fannin saw the artillery, he knew that the fate of the engagement was determined; and he called a consultation of officers, amid the cries of our wounded that he would surrender, and thus procure water for their parched tongues. Mrs. Cash, at the solicitation of some of the wounded, undertook to go to Urrea and ask him for water ere the action again commenced. Accompanied by her little son, a lad fourteen years of age, who had done a man's fighting during the work of the previous day, she made her way over the ground between the two contending parties, and proceeded directly to Urrea, to whom she was introduced by a Mexican officer stationed at Goliad. She made him acquainted with her errand; he did not answer her request, but fixing his eyes upon the boy's shot-pouch and powder-horn, that she had neglected to take from him ere she left our lines, he exclaimed, 'Woman! are you not ashamed to bring one of such tender age into such a situation?' The boy immediately answered him, 'that, young as he was, he knew his rights, as did everybody in Texas; and he intended to have them or die.' The conversation was here interrupted by the raising of a white flag on the part of our troops, as a token of surrender, which was immediately torn into three pieces by the wind: it was blowing a stiff norther at the time. As soon as Mrs. Cash had left our lines, the officers consulted whether it was best to surrender, and it was so determined. Immediately after hoisting the flag, Captain Shackleford and Captain Chadwick, the engineer and adjutant, advanced out on the prairie and met Urrea, with whom they arranged terms;—personal safety was guaranteed to every individual; all were to have been treated as prisoners of war in civilised warfare, and private property was to have been respected. Shackleford then returned to the battalion and announced the result; our men threw their arms on the ground, Fannin alone reserving his sword, which he handed to Urrea, who had advanced to receive it. One of our men threw a lighted

segar among some loose cartridges, to prevent the enemy from getting the ammunition, and they exploded, together with four kegs of powder; four men were blown up by it, which served to increase the trouble and distress."

It is positively maintained by the Texans, and supported by the evidence of three survivors of Fannin's force, that terms of capitulation were agreed upon and signed by the Mexican and Texan Commanders. These terms, it is alleged, provided that Fannin and his men should be treated as prisoners of war, marched back to Goliad, and detained nine days. At the expiration of this time, all the volunteers from the United States were to be shipped to New Orleans at the expense of the Mexican government—while Fannin and the Colonists under his command were to remain prisoners of war. until an exchange took place or the contest terminated. On the part of the Mexicans, General Santa Anna denied that quarter was offered, or a treaty made, and has backed his assertion by the following summary of General Urrea's official report:—

"Being in sight of Goliad (where Fannin was stationed with his party), he (Urrea) was informed that the enemy was on the retreat towards Victoria, which was not perceived before, on account of a very thick fog. He immediately followed in pursuit and overtook him at a place called Encinal del Perdido, where he fought him until night. On the next day he received part of his artillery and infantry, with which he continued the action. Fannin then, seeing his inevitable loss, hoisted a white flag, and sent a paper, written with a pencil, containing some articles, offering to surrender if they were guaranteed, &c., to which he (Urrea) answered in the negative, adding that if they did not instantly surrender, he would renew the action. Fannin then surrendered and gave up his arms, &c., leaving every-

thing in possession of General Urrea, who sent the wounded and prisoners to Goliad, and proceeded to Victoria."*

From the scene of action the Texans were marched about nine miles back to Goliad, where they were stripped of every article of defence, even to their pocket knives, and served with an allowance of beef hardly sufficient to support life. For the circumstances which preceded their ultimate disposal by their captors, I shall refer to the statements of General Filisola, the Mexican officer next in authority to the President Commander-in-Chief. These statements are contained in a publication entitled "A Representation addressed to the Supreme Government, by General Vicente Filisola, in Defence of his Honour, and in Explanation of his Operations as Commander-in-Chief of the Army of Texas."†

According to General Filisola, whose exposition of the campaign appears creditable to his judgment as a soldier and his feelings as a man, Santa Anna was so elated with the capture of the Alamo and the defeat of Dr. Grant, that he supposed the enemy would cease to offer resistance, and that the war was virtually concluded. Under this impression, he began to apportion his force to different quarters, for taking possession of Texas. On the 11th of March he caused Generals Sesma and Woll to move, in order to occupy San Felipe de Austin, with in-

* Letter to the President of Texas from General Antonio Lopez de Santa Anna, dated Velasco, May 23, 1836.

† *Representacion dirigida al Supremo Gobierno, por el General Vicente Filisola, en Defensa de su Honor y Aclaracion de sus Operaciones como General en Gefè del Ejercito sobre Tejas.—Mexico: impreso por Ignacio Cumplido, calle de los Rebeldes, Casa*, N. 2, 1836.

structions to continue on to Harrisburg and Anahuac, with the battalions of Aldama, Matamoros, and Toluca; fifty dragoons from the regiment of Dolores, two six-pounders and rations for eight days —this section forming an entire force of 725 men. He ordered, on the same day, Colonel Juan Morales to march for Goliad, with the battalions of San Luis and Ximenes, one twelve-pounder, one eight-pounder, one mortar, and rations for a month. Advices from General Sesma announced the disposition of the enemy to defend the pass of the river Colorado with 1,200 men, and information was received from General Urrea of his departure from San Patricio for Goliad, which it was said the Texans had fortified, with the intention to resist, with 500 infantry and fourteen pieces of artillery of various calibre In consequence of this intelligence, General Santa Anna ordered General Tolsa to reinforce Sesma with the battalion of Guerrero, the first battalion of regular militia of Mexico, and forty dragoons of Tampico; and he sent Colonel Cayetano Montayo to reinforce Urrea with the regular militia from Tres Villas and Queretaro, and a twelve-pounder—all these troops carrying rations for a month.

The confident spirit which dictated these movements was heightened when General Santa Anna learned from Urrea that the enemy, having abandoned the post of Goliad, were overtaken on the road to Guadalupe Victoria, at the place called Encinal del Perdido, where they had capitulated,* leaving in his possession all their artillery, baggage, and

* "*En donde habian capitulado*" are the words of the Hispano-Mexican text.

effects. On the 24th of March, General Gaona was ordered to Nacogdoches, with the battalion of Morelos and militia of Guanaxuato, two four-pounders, twenty frontier dragoons, fifty convicts, and rations for forty days. The strength of this section, including convicts, was 725 men. Not only did Santa Anna make arrangements for the permanent occupation of Texas, under the presumption that the contest was at an end, but, entertaining the belief that his presence in the country was no longer necessary, and that he ought to return to the capital of Mexico, he made preparations for resigning the command to General Filisola.

"With this understanding, he ordered General Urrea, on the 25th of March, to scour all the points on the coast from Guadalupe Victoria to Galveston, with the knowledge that his left wing was to be covered by the division of General Sesma; and that, under his most strict responsibility, he should fulfil the orders of the government, shooting all the prisoners; and as regards those lately made" (Fannin and his men) "that he should order the Commandant of Goliad to execute them—the same instructions being given to Gaona and Sesma with respect to all found with arms in their hands, and to force those who had not taken up arms to leave the country."*

* "*En esta inteligencia, previno al General Urrea el 25 recorriese todos los puntos de la Costa, desde Guadalupe Victoria á Galveston, en el concepto que su izquierda estaba cubierta por la seccion del Sr. Sesma, y que bajo su mas estrecha responsabilidad cumpliese con las ordenes del gobierno, haciendo pasar por las armas á todos los prisioneros, deciendose respecto de este último, otro tanto al comandante de las armas de Goliad para la ejecucion, siendo esta misma la orden que habian llevado Gaona y Sesma con cuantos aprendiesen con las armas en la mano, y hacer salir del pais á los que no las hubieren tomado.*"—Representacion de General Vicente Filisola, pp. 10, 11.

It was also announced in a general order of the day, that the whole brigade of cavalry, under the command of General Andrade, with the artillery at head-quarters, and a large amount of regimental property, should be got in readiness to leave Texas on the 1st of April for San Luis Potosi.

About 400 Texan prisoners, including those of Ward's detachment, were at the fort of Goliad, when General Santa Anna ordered their execution, in accordance, as he afterwards declared, with the law of the Supreme Government. On the morning of the 27th of March, these prisoners, with the exception of two or three medical men, who were retained to aid the Mexican wounded, and some privates employed as labourers, were marched out of the fort, ostensibly for the purpose of driving in beeves. They were divided into sections, and each section was under the escort of a strong Mexican guard. After proceeding about 300 yards, they were ordered to halt and throw off their blankets and knapsacks. Before they had time to obey the order, a fire of musketry was opened upon them, and what the bullets left unfinished, the sabres of the cavalry completed. A very few, who were uninjured by the first fire, leaped a fence of brushwood, concealed themselves in a thicket, and, swimming the San Antonio, succeeded in rejoining their countrymen beyond the Colorado.

Fannin, wounded in the action of the 19th, had been placed apart from his men. Informed of the order of the Mexican commander, he declared himself ready to meet his fate. When arrived at the appointed shambles, he thrust aside the hand of a

soldier who was trying to bind a handkerchief around his head,—laid bare his breast, and fell.*

There is no reason whatever for supposing that Fannin and his followers would have laid down their arms without an understanding that their lives were to be spared. They were not men to yield themselves like sheep for the slaughter. The phrase "*capitulado,*" used by General Filisola in alluding to Urrea's report of their capture, indicated his belief that stipulations had preceded their surrender. All the volunteers who escaped from butchery, however they might vary as to the details of the engagement, concurred in stating that they were to be prisoners of war, and private property was to be respected. But even had no conditions been agreed upon, the order by which they suffered was to the last degree atrocious. In this light it was viewed by Filisola, when exposing the equivocal character of Urrea's successes at San Patricio, Refugio, and the Encinal del Perdido. "For every one of these skirmishes," says this Mexican general of Italian birth, "Urrea deserved a court-martial and condign punishment, for having *assassinated* in them a number of brave soldiers, as he might have ob-

* Most of the bodies were burnt, and, in the month of June following, General Rusk and the Texan troops collected the skeletons and bones in front of the fort, and buried them with the honours of war. On this occasion, General Rusk delivered a touching address over the promiscuous grave of these brave men. The cruelty and perfidy of the execution rendered Urrea and the other subordinates in command anxious to exculpate themselves at the expense of Santa Anna, who essayed to justify the act. "If," he said, "some military commanders have complied with the instructions of their government, to whom they owe obedience, they do not deserve to be vilified and accused."

tained the same results without this sacrifice." * The assassination was more than a crime—it was an egregious blunder, by which every chance of the establishment of Mexican rule in Texas was utterly swept away. From the hour that the fate of Fannin and his comrades was known in the United States, a spirit was awakened that rendered it impossible for the nation whose authorities decreed the massacre, to regain its dominion on the American frontier.

Among the volunteers with Fannin in his retreat were Dr. Shackleford and his Red Rovers. They formed the front of the square in the engagement of the 18th, and distinguished themselves by active gallantry. Five were killed, and more than half the company wounded, in the battle. In the list of wounded were the commander himself, his son, and a nephew. At Goliad, Dr. Shackleford, robbed of his clothes and scantily fed, was obliged to attend the Mexicans in hospital. On the day of the massacre he was taken to a tent, under the plea of being required to assist some wounded officers. He heard the report of the musketry, and could see, through the branches of the trees, his companions in their efforts to escape. His son and his two nephews were stretched lifeless upon the plain. After the bloody work was over, the doctor was marched through the gate of the fort, past the mangled corpses of his relatives and countrymen, and forced to labour incessantly in the hospital,

* "*Por cada una de estas escaramuzas, merecia el Sr. Urrea un consejo de guerra, y el castigo condigno, por haber asesinado en ellas porcion de soldados valientes, debiendo sin este sacrificio haber obtenido iguales resultados.*"—Representacion, &c., p. 29.

subjected to the vilest treatment. A few weeks afterwards he was sent to attend the hospital at Bexar, whence he effected his escape along with a medical friend. Having obtained an honourable discharge from the Texan army, he hastened to join his family and friends in Alabama, and, on reaching Courtland, found that, in full assurance of his having perished at Goliad, funeral ceremonies had been performed for him, accompanied by the honours of war.

Remonstrances addressed by Filisola to Santa Anna, through his confidential friend and *aide-de-camp*, Colonel Almonte, together with a representation made to him by Sesma, from the right bank of the Colorado, on the 15th, induced him to suspend the order for the return of the cavalry and infantry to San Luis Potosi, and to relinquish his intention to depart for the Mexican capital. Countermanding his instructions to Gaona, he ordered that general, on the 25th of March, after passing the Colorado at the town of Bastrop, to move towards San Felipe de Austin. Directing Urrea to pass the Colorado at Matagorda, and advance to Brazoria, he decided on concluding in person the remaining operations. On the 29th of March, the battalion of Zapadores, and that of Guadalaxara, under Colonel Amat, marched from San Antonio de Bexar, in the direction of Gonzalez, with two eight-pounders, two four-pounders, a howitzer, and rations for a month. Generals Santa Anna and Filisola, with the staff, followed on the 31st.

The army under Houston, which mustered about 1,300 men, impatient for action, occupied a position

at Beason's Ferry, on the Colorado, until the 26th of March. Having learned that there was a division of the enemy above and another below him, and that large reinforcements had joined them, Houston determined, on the 26th, to fall back upon the Brazos, apprehensive of being surrounded along with an army that was the main hope of Texas, being composed almost exclusively of the settlers themselves. Foreseeing that if the enemy should move to his rear, he would have to starve on the left bank of the Colorado, leaving the country unprotected, or share the fate of Fannin in his attempt to cross the prairies, he ordered a retreat to San Felipe, which he reached without molestation on the 27th. Leaving a detachment at San Felipe, and forwarding another to Fort Bend (half-way between Columbia and San Felipe), he moved with the main body to Groce's Ferry. This was the best and easiest crossing-place on the Brazos, and therefore the point most likely to be aimed at by the Mexicans. By securing the steam-boat Yellowstone, lying at this point, Houston obtained the means of transporting his troops to any part of the river where the enemy should appear.

On the evening of the 29th, some scouts, detached by Captain Baker, who commanded at San Felipe, made an erroneous report of the appearance of the Mexicans within a few miles of the town. The inhabitants, after hastily removing a part of their property beyond the Brazos, set fire to the town and destroyed with it goods to the amount of several thousand dollars, which might have been saved, had

not the scouts mistaken a drove of cattle for a squadron of cavalry.

General Santa Anna arrived at Gonzalez on the 2nd of April; and, the river being swollen, it was necessary to pass it on a raft. Anxious to advance, he proceeded on the 3rd, with his staff and picket, to join General Sesma, on the Colorado, leaving to Filisola the charge of conducting the troops across the Guadalupe. On the 5th he arrived at Paso del Atascosito, and on the 6th marched with the divisions of Sesma and Tolsa to San Felipe, which he reached on the 7th. General Woll was left at Atascosito, with a battalion and a picket of cavalry, for the purpose of constructing a raft to transport the artillery, waggons, and ammunition, that were coming up with Filisola, across the Colorado.

The swell of the Brazos, and the opposition of the detachment under Captain Baker, prevented Santa Anna from crossing the river at San Felipe. On the 9th of April, he took the choice companies and proceeded down the river, to select a suitable crossing-place. On the 11th, he arrived at the Old Fort, and despatched orders to Sesma and Filisola to join him there. He was joined by the former on the 13th, and without waiting for additional reinforcements, crossed the river and marched to Harrisburg, which he reached in the afternoon of the 16th. Almonte's Journal contains the following record of the march from San Felipe.

"*Saturday, 9th.*—At 5 A.M. we left San Felipe with the choice companies of Guerreros, Matamoros, Mexico, and Toluca, and fifty cavalry of the regiment of Tampico and

Dolores. At half-past twelve o'clock we arrived at the farm of Colls, and another a mile beyond—in all six and a half leagues. Three Americans were seen, who took the road to Marion, or Orozimbo, (Old Fort,) and leading to Thompson's ferry. We found at the farm a family from La Baca, who came by the way of the Brazos. Various articles were also found. The husband of the woman was a mulatto, the woman white. We sent Wilson (the mulatto) to reconnoitre at Marion, that is, at the ferry. He did not return. It rained some in the night, and the wind changed to the north.

" *Sunday*, 10*th*.—We remained at Coll's farm, waiting for our scout. The farm is on the left bank of the river San Bernardo. At a house seven leagues from the farm, on the road leading to the Colorado, there were 500 fanegas of corn and twenty barrels of sugar. In the afternoon the scout returned, and confirmed the accounts we had received of the position of the enemy. At a quarter before four o'clock, P. M., we took up our march for Marion, or Old Fort, on the road from Brazoria. At half-past five o'clock we made a short halt at the farm of the widow Powell, or rather at a stream called Guajolota; from thence leaving the road from Brazoria on our right, we took the left, following the waggon tracks to Marion. We marched until half-past nine at night, and made another short halt. Night dark. At two in the morning we commenced the march on foot, from the President down to the soldier, leaving the baggage and cavalry, for the purpose of surprising the enemy, who defended the crossing place, before day-light. We did not succeed, as we found the distance double what we supposed it to be. Day broke upon us at a quarter of a league from the ferry and frustrated our plan. We then placed the men in ambush. The stream of Guajolota is seven and a half leagues from Marion, road level, with some miry places.

" *Monday*, 1*th*.—Still in ambush. A negro passed at a short distance and was taken. He conducted us to the place he had crossed at, and having obtained a canoe we crossed without being perceived, a little below the principal

crossing place. In the mean time the cavalry arrived at Marion and took possession of the houses. The enemy retired on the other side, and kept up a fire for a long time, until the Cazadores under command of Bringas crossed at the lower ford, and, ascending the river, were about to take them in the rear, when they abandoned Marion, and we remained in possession of the ferry, one canoe, and a flat boat. A courier was despatched to General Sesma, with orders that he should come up with the whole division. The Cazadores slept on the other side of the river.—Rain during the night.

" *Tuesday*, 12*th*.—Day clear and fine. Was occupied in procuring the canoes and going up in the flat boat to Thompson's ferry. A Mexican and a Prussian came in. The Mexican is the son of Delgardo. In the afternoon the boat was injured. A courier came in from Guadaloupe and from General Sesma. Wrote to Urrea at Matagorda.

" *Wednesday*, 13*th*.—The boat was repaired. The division of General Sesma arrived. Many articles were found. General Urrea and F. V. Fernandez were written to. Despatches arrived from Urrea and Filisola.

" *Thursday*, 14*th*.—We crossed the river early with our beds only and provisions for the road. At three in the afternoon we started from Thompson's ferry.

" *Friday*, 15*th*.—At Harrisburg. [In pencil.]

" *Saturday*, 16*th*.—At Lynchburg. [In pencil.]"

Having crossed the Brazos on the 12th of April, and forwarded despatches to the eastern settlements, threatening to carry the war to the doors of the Colonists in that quarter if they did not turn out, and ordering some volunteers from the United States, then advancing to reinforce him, to halt and fortify on the Trinity,—General Houston diverged from his line of march eastward, and proceeded towards Harrisburg, the neighbourhood of which he reached on the 18th. The capture of a Mexican courier by

Erastus Smith (from imperfection of hearing called Deaf Smith), a Texan scout, whose courage and activity had rendered most important service to the Colonists, put Houston in possession of despatches from Filisola, showing the enemy's position, plans, and movements. On the morning of the 19th, he led his troops down the right bank of the Buffalo Bayou, to within about half a mile of its junction with the San Jacinto river, and on the 20th took up a position, having in his rear a border of timber that margined the Bayou, and in front an extensive prairie interspersed with a few "islands" of wood. Houston had now determined to fight Santa Anna before he was reinforced by the divisions of his lieutenants, as appears from the following note, transmitted by him to Colonel H. Raguet, at Nacogdoches.

"*Camp at Harrisburg*, 19th April, 1836.

"This morning we are in preparation to meet Santa Anna. It is the only chance of saving Texas. From time to time I have looked for reinforcements, in vain. The Convention adjourning to Harrisburg struck panic throughout the country. Texas could have started at least 4,000 men; we only have about 700 to march with, besides the camp guard. We go to conquer. It is wisdom growing out of necessity to meet and fight the enemy now. Every consideration enforces it. No previous occasion would justify it. The troops are in fine spirits, and now is the time for action.

"Adjutant-General Wharton, Ins. Gen. Hockley, aide-de-camp Horton, aides-de-camp W. H. Patton, Collinsworth.

"Volunteer aids Perry, Perry.

"Maj. Cook, Assistant Insp.-Gen. will be with me.

"We shall use our best efforts to fight the enemy, to such advantage as will insure victory, though the odds are greatly

against us. I leave the result in the hands of a wise God, and rely upon his providence.

"My country will do justice to those who serve her. The rights for which we fight will be secured, and Texas free.

"SAM. HOUSTON, *Commander-in-Chief.*

"Col. Rusk is in the field.

"HOUSTON."

At about ten o'clock in the morning of the 20th, the Texans were apprized of Santa Anna's approach, and about half-past eleven they were saluted by the discharge of a field-piece, which they returned from two six-pounders, the only cannon they had, and for which they were indebted to the liberality of the citizens of Cincinnati, in Ohio. The details of the battle of Jacinto, and the previous movements of the Texan army, are accurately stated in General Houston's Report to President Burnet, which, in consideration of the important consequences of the events therein narrated, I publish at length:—

"*To his Excellency* D. G. BURNET, *President of the Republic of Texas.*

"Head Quarters of the Army, San Jacinto, April 25, 1836.

"SIR,—I regret extremely that my situation since the battle of the 21st has been such as to prevent my rendering you my official report of the same, previous to this time.

"I have the honour to inform you, that on the evening of the 18th inst., after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg; that evening a courier of the enemy was taken, from whom I learned that General Santa Anna, with one division of his choice troops, had marched in the direction of Lynch's Ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below

Harrisburg, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp guard in the rear. —We continued to march throughout the night, making but one halt in the prairie for a short time, and without refreshment. At day-light we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that General Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's Ferry. The Texan army halted within half a mile of the ferry in some timber, and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper's Point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry, and artillery in the centre, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve-pounder, then opened on our encampment. The infantry in column advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three quarters of a mile from our encampment, and commenced fortification. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing, they received a volley from the left of the enemy's infantry, and after a sharp rencounter with their cavalry, in which ours acted extremely well, and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded, and several horses killed. In the mean time, the infantry under the command of Lieutenant-Colonel Millard, and Colonel Burleson's regiment, with the artillery, had marched out for the purpose

of covering the retreat of the cavalry, if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half-past three o'clock, taking the first refreshment which they had enjoyed for two days. The enemy in the mean time extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the centre of the breastwork in which their artillery was placed, their cavalry upon their left wing.

"About nine o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1,500 men, whilst our aggregate force for the field numbered 783. At half-past three o'clock in the evening I ordered the officers of the Texan army to parade their respective commands, having, in the mean time, ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The 1st regiment, commanded by Colonel Burleson, was assigned the centre. The 2d regiment, under the command of Colonel Sherman, formed the left wing of the army. The artillery, under the special command of Colonel George W. Hockley, Inspector-General, was placed on the right of the 1st regiment; and four companies of infantry, under the command of Lieutenant-Colonel Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to

that station,) placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister.

"Colonel Sherman, with his regiment, having commenced the action upon our left wing, the whole line, at the centre and on the right, advancing in double quick time, raised the war-cry '*Remember the Alamo!*' received the enemy's fire, and advanced within point blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork—the right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within 70 yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action, until we were in possession of the enemy's encampment, taking one piece of cannon (loaded), four stand of colours, all their camp equipage, stores, and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before—Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of them off at the breech. The rout commenced at half-past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army

returned with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of them mortally. The enemy's loss was 630 killed, among whom was one general officer, four colonels, two lieutenant-colonels, five captains, twelve lieutenants. Wounded 208, of which were five colonels, three lieutenant-colonels, two second lieutenant-colonels, seven captains, one cadet. Prisoners 730—President General Santa Anna, General Cos, four colonels, aids to General Santa Anna, and the Colonel of the Guerrero Battalion, are included in the number. General Santa Anna was not taken until the 22nd, and General Cos yesterday, very few having escaped. About 600 muskets, 300 sabres, and 200 pistols have been collected since the action; several hundred mules and horses were taken, and nearly 12,000 dollars in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, badly supplied with rations and clothing—yet amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity—there was no murmuring.

"Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured that they demeaned themselves in such a manner as proved them worthy members of the army of San Jacinto. Colonel T. J. Rusk, Secretary of War, was on the field. For weeks his services had been highly beneficial to the army; in battle he was on the left wing, where Colonel Sherman's command first encountered and drove in the enemy; he bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

"I have the honour of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published, as an act of justice to the individuals. For the Commanding General to attempt discrimination as to the conduct of those who commanded in the action or those who were commanded, would

be impossible. Our success in the action is conclusive proof of their daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their general. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader whilst devastating our country.

"I have the honour to be, with high consideration,

"Your obedient servant,

"SAM. HOUSTON,

"Commander-in-Chief."

When they advanced to the charge, General Houston jocularly ordered the musicians to play, as a welcome to Santa Anna, the familiar English tune, "Will you come to the bower I have shaded for you." The victory was so sudden and complete that the Texans were astonished at their own success. Their feelings may be surmised from the following extract of a letter from Captain Tarlton, a volunteer, who was in the action, to a relative in Kentucky, written the day after the engagement:—

"At half-past three we were ordered to prepare for battle, which was soon done; and then commenced a conflict the parallel of which, I presume, cannot be found on record. To see a mere handful of raw, undisciplined volunteers, just taken from their ploughs and thrown together with rifles without bayonets—no two perhaps of the same calibre—and circled only by two pieces of artillery (six-pounders), and a few musketeers, some with and some without bayonets, and some forty or fifty men on horseback, to meet the trained bands of the hero of so many victories; to see them with trailed arms marching to within some sixty or

seventy yards of such an army, at least double in number, intrenched, too, behind a breastwork impregnable to small arms, and protected by a long brass nine-pounder;—to see them, I say, do all this, fearless and determined to save their country and their country's liberty or to die in the effort, was no ordinary occurrence. Yet such was their conduct, and so irresistible was that Spartan phalanx, that it was not more than from fifteen to twenty minutes from our first fire until a complete rout of the enemy was effected; and such slaughter on the one side, and such almost miraculous preservation on the other, have never been heard of since the invention of gunpowder. The commencement of the attack was accompanied by the watchwords, 'Remember the Alamo, Goliad, and Tampico!' at the very top of our voices; and in some ten minutes we were in the possession of the enemy's encampment, cannon and all things else, while his veterans were in the greatest possible disorder, attempting by flight to save their lives. I happened to be so placed in the regiment to which I was attached that I was enabled to be the third man who entered the intrenchment, which I soon left in company with the balance of the regiment, in pursuit of the defeated enemy of Texan liberty. I feel confident that I do not exaggerate when I state that their loss in killed is nearly, if not quite, equal to the whole of our number engaged; whilst we had only six killed on the spot and some twelve or fifteen wounded, two of whom have since died. The number of our prisoners has not yet been officially announced, but I should suppose it to be nearly, if not quite, 600, many of whom are wounded. So complete has been our triumph and their defeat, that my antipathy to them has subsided, and I now commiserate their condition."

Some of the newspapers of the United States have asserted, that the men who fought and won the battle of San Jacinto were chiefly volunteers from the States: this is not the fact. The names of the officers and men engaged in the action were pub-

lished, and in the list, which is before me, more than three-fourths of the whole are Anglo-American settlers. Among the exceptions I find the names of nineteen Mexicans and their captain (Juan N. Seguin); but these were natives of Texas—opponents of centralism and military rule.

If the Texan army fell off in numbers after retiring from the Colorado, and if the Colonists failed to take the field according to the expectations and wishes of the Commander-in-Chief, the circumstances of their situation supply a powerful plea in extenuation of their conduct.—They were farmers; they had property to remove; they had wives and children to protect. Before them appeared the fugitive families whom the war had already reduced from comfortable independence to houseless beggary:—"A large proportion of the population, from the Neuces to the Sabine, had abandoned their homes; and many of them in circumstances of great distress. Their stock was left to run wild, or be consumed by the enemy, or stolen by ruffians more destructive and abominable than the common foe. Their plantations were going to waste, and the planted crops bade fair to succumb to the rank luxuriance of weeds. In short, the country was verging upon general desolation!"* With many of the Colonists General Houston's plan of retreating, and luring the Mexicans towards the frontiers and far from supplies, was unpopular. They would have preferred giving battle to the enemy, for the protection of the settlements,

* President Burnet's Statement of Affairs, addressed to the People of Texas, published in the *Telegraph* Newspaper at Columbia, on the Brazos, September 26, 1836.

on the Colorado. But the army displayed great constancy and fortitude, notwithstanding the disheartening nature of the movements dictated by military prudence. And its fatigues and privations were extreme: beef, without bread, and frequently without salt, formed its support for a considerable period, while many of the men were bare-footed, and most of them without a change of clothes.

Generals Santa Anna and Cos were captured on the day succeeding the battle of San Jacinto. A party despatched from the Texan camp took the former, alone, unarmed, and disguised in common apparel, on Buffalo Bayou, and were ignorant of his name and rank until they brought him to General Houston, to whom he announced himself as President of the Mexican Republic and Commander-in-Chief of the army. Houston had been wounded in the ankle, and was slumbering upon a blanket, at the foot of a tree, with his saddle for a pillow, when Santa Anna approached, squeezed his hand, and pronounced his name. By desire of the Texan commander he seated himself on a medicine chest, and seemed greatly agitated. Some opium having been supplied to him at his request, he swallowed it, and appeared more composed. He said to Houston, "You were born to no ordinary destiny: you have conquered the Napoleon of the West!" After some conversation respecting the slaughter of the garrison at the Alamo and the massacre at Goliad, which Santa Anna defended, Houston gave him the use of his camp-bed, and he retired for the night,—but not to sleep, for he dreaded the vengeance of the Texan troops, the majority of whom were anxious for his

execution, as the murderer of Fannin and his comrades. It was only by the exercise of extraordinary firmness on the part of General Houston and his officers, that his life was preserved. After due deliberation, the Texan general agreed upon a convention with his prisoner, who, in accordance with its provisions, ordered Generals Filisola and Gaona to retire to San Antonio de Bexar, and Urrea to Victoria. These officers, with the remainder of the Army of Operations, were posted at Old Fort, Columbia, and Brazoria, with the exception of Gaona's division, part of which had crossed the Brazos. By Filisola's orders the whole force was concentrated on the 25th of April, and commenced a countermarch (for the purpose of reorganising) on the 27th. before intelligence had been received of the armistice concluded between Santa Anna and Houston.* That intelligence reached Filisola on the 28th, at the San Bernard, whence General Woll, who understood the English language, was despatched to the Texan camp, with assurances that the conditions of the armistice would be fulfilled, and that the Mexican army was about to repass the Colorado. Deluging rains, which converted the rich loam of the district between the Brazos and the Colorado into a mass of mud, were the cause of much delay, heavy labour, and sore distress to the retiring invaders. By dint of the utmost exertion, they succeeded in dragging the artillery and waggons through the saturated soil. Filisola, in a despatch

* The dispositions of the Mexican army are given on the authority of Filisola, who succeeded to the chief command after Santa Anna's capture.

to the Secretary of War, represented the night of the 30th of April as "horrible;"* artillery, cavalry, sick, baggage-mules, everything that accompanied the army, was a chaotic mass "buried in mud." There was not a splinter of wood, even for cooking, except with the baggage and arms; the provisions were reduced to a few bushels of beans and salt; the ammunition was wet, and not a musket capable of striking fire; dysentery was commencing its ravages, and there were neither means of cure nor medical attendants. "Had the enemy," observes the Commander-in-Chief, "met us under these critical circumstances, on the only road that was left, no alternative remained but to die or surrender at discretion." The Texans watched the retreat; and had they not been governed by fidelity to their engagements, not a man of the army that was mustered for their extermination would ever have recrossed the Colorado. The passage of this river was effected with difficulty; and, for the purpose of obtaining supplies by sea and opening a communication with the interior, Filisola established his headquarters at Goliad, while Urrea returned with his division to Matamoros. Texan cruisers, which had been active on the coast, having shut out the hope of maritime succour, Goliad was evacuated in ten days, and the retreat commenced for the Rio Grande.

The Government, *ad interim*, of Texas had removed, on the advance of the enemy, from Washington to Harrisburg, and thence to the island of Galveston, where news of the victory at San Jacinto arrived in the afternoon of the 26th of April. The

* "La noche fué horrorosa."

island, which was nearly destitute of military protection, was a place of refuge to the helpless portion of the population, and contained many women and children, whose health was giving way for lack of proper sustenance and shelter. From Galveston, President Burnet proceeded to the camp of General Houston, at San Jacinto, where he arrived on the 1st of May. In a letter to the Secretary of War, dated the 3rd of May, certain propositions had been recommended to the Executive by the General as the basis of an arrangement with Santa Anna, the most of which were embraced in a treaty of which the following is a copy.

Articles of an Agreement made between his Excellency the General-in-Chief of the Army of Operations, President of the Mexican Republic, Don Antonio Lopez de Santa Anna, for one party, and his Excellency the President of the Republic of Texas, Mr. David G. Burnet, for the other party.

Art. 1st. General Antonio Lopez de Santa Anna agrees not to take up arms, nor to influence their being taken up, against the people of Texas, during the actual strife of independence.

Art. 2d. Hostilities shall immediately cease, by sea and land, between the Mexican and Texan troops.

Art. 3d. The Mexican troops shall evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte.

Art. 4th. The Mexican army, in its retreat, shall not make use of the property of any person without their consent and just indemnification, taking articles only necessary for their subsistence, when the owners should not be present; and sending to the general of the Texan army, or to the commissioners for the arrangement of such matters, advice of the value of the property consumed, the place

where taken, and the name of the owner, should it be known.

ART. 5th. That all private property, including cattle, horses, negro slaves, or persons contracted, of whatsoever denomination, which may have been taken by a part of the Mexican army, or which should have taken refuge in said army from the commencement of the last invasion, shall be returned to the commander of the Texan forces, or to the persons that should be named by the government of Texas in order to receive it.

ART. 6th. The troops of both belligerent armies shall not be placed in contact, and for this end the Texan general shall take care that between the two encampments a distance shall intervene of five leagues at least.

ART. 7th. The Mexican army shall not delay any more in their march than is necessary to take off their hospitals, trains, &c., and pass the rivers, considering as an infraction of this agreement the delay, which, without just motives, should be noted.

ART. 8th. This agreement shall be forwarded by speedy express to Vicente Filisola, general of division, and to General T. J. Rusk, commander of the army of Texas, that they may remain bound as far as appertains to them, and being mutually agreed, may arrange the speedy and due execution of the stipulations.

ART. 9th. That all the Texan prisoners at this time in the power of the Mexican army, or in that of any of the authorities of the government of Mexico, be immediately placed at liberty, and passports given to them, so that they may return to their homes; it being the duty on the part of the government of Texas also to place at liberty a corresponding number of Mexican prisoners, of the same rank and station, and to treat the remainder of said Mexican prisoners who may remain in the power of the government of Texas with all due humanity, charging the government of Mexico for the expenses caused in their behalf, when any extra convenience should be afforded them.

ART. 10th. General Antonio Lopez de Santa Anna shall be sent to Vera Cruz as soon as may be thought proper.

And for its fulfilment and consequent effects, the contracting parties sign it by duplicate in the port of Velasco, on the 14th of May, 1836.

ANTONIO LOPEZ DE SANTA ANNA.
DAVID G. BURNET.
J. COLLINSWORTH, Secretary of State.
BAILEY HARDIMAN, Secretary of Treasury.
P. W. GRAYSON, Attorney-General.

This Treaty was presented to Filisola, and ratified by him on the 26th of May, it being further agreed that Texan Commissioners should accompany the Mexican army, and superintend the execution of the stipulations its commander was called upon to fulfil. A secret treaty, also signed on the 14th of May, by President Burnet and Santa Anna, stipulated that the latter should arrange for the favourable reception by the Mexican cabinet of a mission from Texas,—that a treaty of amity and commerce should be established between the two Republics,—that the Texan territory was not to extend beyond the Rio Grande,—and that the immediate embarkation of Santa Anna for Vera Cruz should be provided for—his "prompt return being indispensable for the purpose of effecting his engagements."

Instructions were forwarded by the Supreme Government of Mexico to Filisola, through the Secretary of War and Marine, to negotiate for the liberation of the President Commander-in-Chief, to secure Bexar and the western ports, and to "save the remainder of the army by concentrating it at a convenient place for receiving provisions." Authority was given to the General "to form that movement,

to propose exchanges, and to preserve, for this purpose, and because humanity required it, the lives of the prisoners made and that might be made from the enemy." The government relied upon his Excellency's prudence for neither compromising the safety of the President, nor the honour of the nation. By retreating to the Rio Grande, Filisola had secured the safety of Santa Anna; he professed to have been always opposed to the execution of the prisoners, and now the captured Mexicans were six-fold more numerous than the Texans in his power. Bexar he deemed untenable, and he therefore recalled from it General Andrade and the garrison, destroyed the cannon he was unable to remove, and dismantled the fortification of the Alamo.

The campaign of 1836 terminated with the battle of San Jacinto, which sealed the independence of the republic. Even had the Mexicans been victorious in that engagement, it was Filisola's opinion that the condition of the army would have been very little improved. Had the whole force crossed the Brazos, it would have had three large rivers in its rear, unguarded by any detachment, while the camp was burdened with the sick, for whom there was neither medical aid nor food—the habitations and means of subsistence, provided by the industry of the Colonists, having been reduced to ashes by their own hands. Their cattle furnished the only article of sustenance, and the last remnant of these was eaten up by the retreating Mexicans.

Houston's plan of the campaign, although it bore hard upon the Colonists, ensured ultimate success. Had he fallen back as far as Nacogdoches, which he

seems to have, at one time, contemplated, the settlers would have placed their women and children and movable property beyond the frontier, and then have joined his standard, to the amount of four or five thousand men. The volunteers from the United States, of whom several hundred arrived at Galveston soon after the battle of San Jacinto, would have fallen upon the Mexican rear, and prevented the escape of a single man, even had Santa Anna's troops been in an efficient state. The vessels in the Texan service commanded the coast, and could have landed troops at any point. In a renewal of the war, the Mexicans would have had to encounter more formidable obstacles, and to incur a heavier expense than before. All the country beyond the river Trinity would have been a battle-field, where every requisite for the maintenance of an army was to be created. Hunger, the rifle, and exposure to the vicissitudes of the climate were sure ultimately to annihilate the largest army that Mexico could bring into the field; and the result of a prolonged contest must have been, to draw from the north, to the debatable territory, a swarm of adventurers, combining in an extraordinary degree all the qualifications for military life, and who, after assisting Texas in its struggle for independence, would probably have marched for the "city of Montezuma." To Mexicans and Europeans this might seem an idle and impracticable project, but the class of men who would dare to undertake it are not likely to miscalculate their means of success in any enterprise. The warlike character of the population on the south-western frontier of the United States I have already noticed, and their

aptitude for service may be estimated by a proposition made by General Gaines, of the regular army of the United States, to his government, arising out of disagreements with Mexico in 1836-37. "If I am permitted." said the General, "to make an arrangement, in accordance with the foregoing suggestions, I feel confident that I can thereby obtain and call to the frontier, ready for an active campaign to the city of Mexico, from fifty to one hundred thousand first-rate men, for the most part mounted, before the first day of October next—the time they should march westward from the Sabine." This letter of General Gaines was written on the 22nd of May.*

* Documents of the United States Congress, No 351, p 821

TEXAS:

THE

RISE, PROGRESS, AND PROSPECTS

OF THE

REPUBLIC OF TEXAS.

BOOK III.

NARRATIVE OF TEXAN AFFAIRS SUBSEQUENT TO THE BATTLE OF SAN JACINTO—SOCIAL ASPECT AND PROSPECTS OF THE REPUBLIC.

"It is not to be imagined that the impulse of the Anglo-Saxon race can be arrested. Their continual progress towards the Rocky Mountains has the solemnity of a providential event. Tyrannical government and consequent hostilities may retard this impulse, but cannot prevent it from ultimately fulfilling the destinies for which that race is reserved. No power on earth can close upon the emigrants the fertile wilderness, which offers resources to all industry, and a refuge from all want. Future events, of whatever nature they may be, will not deprive the Texans of their climate, their bays and rivers, or exuberant soil. Nor will bad laws, revolution, or anarchy be able to obliterate that love of posterity and that spirit of enterprise which seem to be the distinctive characteristic of their race, or extinguish that knowledge which guides them on their way. Thus, in the midst of the uncertain future, one event is sure. At a period which may be said to be near, the Anglo-Americans alone will cover the immense space contained between the Polar Regions and the Tropic, extending from the coast of the Atlantic to the shores of the Pacific Ocean."

De Tocqueville's *America*.

CHAPTER I.

Arrival of Volunteers at Galveston—Orders of the United States Government for the Protection of the Frontier—Protest of Gorostiza—Embarkation and ultimate Detention of Santa Anna—Mirabeau Lamar—Protest of Santa Anna and President Burnet's Reply—Election of President and Meeting of Texan Congress—Threatened Mexican Invasion—Legislative Proceedings—Death and Character of Stephen Austin.

IN consequence of his wound, received at San Jacinto, General Houston retired from active duty, and removed for the benefit of regular medical attendance to New Orleans. T. J. Rusk was appointed to the command of the army, his vacated office of Secretary of War being conferred upon Mirabeau Lamar. A division of the army under Rusk advanced to Goliad, to superintend the observance by Filisola of the conditions stipulated by his chief.

A considerable number of volunteers from the United States arrived at Galveston about the end of May. Felix Huston, an eminent and successful lawyer of Mississippi, had incurred an expense of 40,000 dollars in the spring for the purpose of equipping 500 armed emigrants to Texas. The ladies of Nashville, moved by the appeals of Stephen Austin, who, with his fellow Commissioners, delivered public addresses in behalf of the Texan cause in the chief cities of the Union, furnished the means of arming and transporting a company of vo-

lunteers. These and similar movements in progress in Kentucky and North Carolina, the Mexican Minister at Washington, Gorostiza, represented and denounced to the Secretary of State, Mr. Forsyth, who directed the legal authorities in the several places to inquire into the transactions alluded to, and institute such proceedings as might be necessary to protect the neutral relations of the United States. In the case of Felix Huston, the district attorney at Natchez, "after using great exertions to obtain a warrant, failed to do so." Popular feeling, excited against the Mexicans in consequence of the execution of their prisoners, neutralized the endeavours of the Federal officers.

In obedience to instructions from President Jackson, General Gaines began, at the close of March, to arrange for the defence of the western frontier of Louisiana. The President, adopting a suggestion of the General, authorized him "to take such a position on either side of the imaginary boundary line" between Mexico and the United States, "as might be best for the defensive operations," with the understanding that he would "under no circumstances advance further than old Fort Nacogdoches, which was within the limits of the United States, as claimed by the government." Nor was he to exercise the permission then granted unless he should find it necessary for the security of the frontier. Gaines, having received information that several tribes of Indians residing on the territory of the United States had crossed the boundary line into Texas; that General Santa Anna was approaching, determined to put to death all he found in arms,

or who did not yield to his dictation; and that it was the intention of the Indians on the Trinity River to unite with him in his war of extermination, —thought it his duty to "prepare for action," as no boundary line, unless guarded with an efficient force, would arrest the sanguinary career of the savages. He, therefore, applied on the 8th of April, 1836, for three brigades and one battalion of mounted militia, to the governors of Louisiana, Mississippi, Tennessee, and Alabama. A second requisition made by him on the 28th of June was formally disapproved by the President, who, on examination of the facts, deemed the appointment of 10,000 militia under the Volunteer Act, with the power of calling out 2,000 volunteers in Arkansas and Missouri, aided by the regular troops stationed in the locality, sufficient for the protection of the frontier. A larger levy, he remarked, in writing to the governor of Tennessee, "when it was well known that the disposition to befriend the Texans was a common feeling with the citizens of the United States," might "furnish a reason to Mexico for supposing that the government of the United States might be induced, by inadequate causes, to overstep the lines of neutrality which it professed to maintain." The Mexican Minister declared himself satisfied with President Jackson's disapproval of the requisition made by General Gaines, but continued to protest against the authority which had been given him to advance with his troops as far as Nacogdoches.

There was reasonable cause for jealousy and apprehension on the part of Gorostiza. The Treaty of 1819 between Spain and the United States had

restricted the western limits of the latter to a line beginning at the Sabine. This boundary was definitively settled by the Treaty with Mexico in 1828. But the American Government, desirous of extending its limits, instructed its Envoy, in 1829, to offer five millions of dollars for the province of Texas. Instructions to repeat this offer were given in August, 1835, before the convention of the 2nd of April, of that year for surveying the limits according to the line agreed upon in 1819, and recognised in 1828, had been ratified. The proposal to purchase not having been accepted by Mexico, the ratification of that convention took place on the 20th of April, 1836; and it was agreed that commissioners and surveyors, to settle and mark the dividing line between the two countries, should meet for that purpose at Natchitoches, within one year from the date of the signature of the convention imposing the obligation. Under these circumstances, it is not extraordinary that the Mexican Minister should have protested against the authority given to General Gaines to advance as far as Nacogdoches, although for no other object than "to preserve the territory of the United States and of Mexico from Indian outrage, and to protect the commissioners and surveyors of the two governments, whenever they should meet to execute the instructions to be prepared under the treaty of limits between the United States and the Mexican United States."*

* *Memorandum for Mr. Gorostiza, by Mr. Forsyth.* It appears singular that the Government of the United States did not recognise the fact, that the Mexican Government possessed no constitutional right either to cede or sell Texas to a foreign power.

The treaty for the release of Santa Anna, which was ratified at Velasco, whither President Burnet and his cabinet had removed, encountered great opposition, and the public discontent grew to a very high pitch, when, for the purpose of procuring peace, the government were about to convey their important prisoner to Vera Cruz. In order to secure the liberation of the Texan prisoners, previous to landing Santa Anna on Mexican soil, it was intended that the vessel which conveyed him should touch at Copano and Matamoros, where the Texan Commissioners could ascertain the facts, and act accordingly. On the 1st of June, President Santa Anna with his suite, consisting of Colonels Almonte and Nunez, and his secretary, embarked on board the armed schooner Invincible, commanded by Captain J. Brown. At the moment of embarkation, copies of the following Address were distributed to the Texan army:

"My friends! I have been a witness of your courage in the field of battle, and know you to be generous. Rely with confidence on my sincerity, and you shall never have cause to regret the kindness shown me. In returning to my native land, I beg you to receive the sincere thanks of your grateful friend. Farewell.

"ANT. LOPEZ DE SANTA ANNA."

The embarkation was quietly effected. The Vice-President of Texas, Lorenzo de Zavala, and Mr. Hardiman, secretary of the treasury, were to accompany Santa Anna until his arrival at Vera Cruz. Some necessary preparations delayed the departure

The transfer, if made, would have been just as illegal, according to the Constitution of 1824, as if the Federal Congress at Washington were to dispose of the State of Maine to Great Britain.

of the Commissioners; and on the 3rd of June, a party of volunteers, recently from New Orleans, landed at Velasco, with minds long inflamed against the Mexican President by reports of the atrocities he had sanctioned. Their indignation, bordering on fanaticism, infected a number of the Texans, and clamour and commotion were the result. Apprehensive of danger to the domestic tranquillity of Texas, the President ordered the debarkation of the prisoners; and Mr. Hardiman, General Hunt, Colonel B. F. Smith of the Texan army, and Colonel James Pinckney Henderson, recently from North Carolina, were deputed to wait upon General Santa Anna and communicate the will of the Government. This duty was performed, and the prisoners were escorted to Quintana, on the side of the Brazos opposite Velasco.

On the same day, President Burnet received an address from the army, complaining that their necessities had not received due attention from the executive, recommending an increase of force in the field, impugning the purity of the motives of the government in resolving to liberate Santa Anna, declaring that they would not permit his liberation without the sanction of Congress, and requesting the President to order elections for members of Congress and the necessary officers of government forthwith, and that Congress be called together at least in two months, "in order that the government might be organized, and that they might have one of laws, and not of forces." To this communication, which was dated from the encampment at Victoria, 26th of May, the President made a temperate and

firm reply, showing, by an appeal to facts, that the government was not to blame for the privations endured by the troops. In regard to the other subjects introduced into this "somewhat novel communication," he observed, that "when the civil government of a country is compelled to receive a prescription of its duties from an armed force, that government, if not virtually dissolved, is in great danger of being subverted by military misrule."

A long and able remonstrance was addressed to the army by the President on the 11th of June, in which he explained and defended the views of the government in subscribing the treaty which provided for Santa Anna's release. He reminded the citizens in the field, that "deeds of valour were not alone sufficient to establish the high character of an enlightened, patriotic, and Christian people—a scrupulous regard to the established and beneficent principles of morality were equally indispensable. Their country had but recently aspired to a standing among the nations of the earth; her character, only partially displayed at home, had not been developed abroad; and much of her future happiness and prosperity depended upon the moral qualities that should be unfolded to the world in the development of that character. The government of Texas had deliberately entered into a treaty with the President, Santa Anna; that treaty might or might not be wise; be it what it might, it had been solemnly made, and the good faith of Texas was pledged for its consummation. The treaty had for its ultimate object a firm peace with Mexico, based upon the full recognition of Texan independence.

The price to be paid for a blessing, great in the estimation of every good citizen and patriotic soldier, was the enlargement of the President, Santa Anna, and his restoration to Mexico.

"It was alleged, that Santa Anna was faithless and unworthy of trust,—that he was a prisoner, and incapable of treating,—and a murderer, that ought to be executed. To this he replied, that the government had already treated with him, and that he had performed, and was daily performing, part of his stipulations. The treaty having been ratified by executory compliance on one part, was irrevocably and solemnly binding on the other. Besides, the government believed that Santa Anna's highest political interests would require the complete execution of the principal stipulation in his part of the treaty. 'Is there any man in Texas who does not believe that it is impossible for Mexico to subdue this country, and retain it as an integral part of the Mexican Republic? No man in Texas is more fully and impressively convinced of the impossibility than is the President, Santa Anna. He has learned the fact by sore experience, the best possible teacher of practical truths. Will he then be faithless to his own plain interests, and to the interests of his country?'

"It was objected that Santa Anna was a murderer, and ought to be tried and executed. He (President Burnet) had yet to learn the principle of international or civil law that would justify the courts, civil or military, of one belligerent nation in taking cognizance of the official military acts of the opposing Commander-in-Chief. But supposing the right of jurisdiction to exist, they were debarred from exercising it by the military convention agreed upon and ratified between General Houston and the Mexican chief, before the government were apprized of his capture."

It was further alleged that Santa Anna, as a prisoner, had no power to conclude a treaty. There was some plausibility in this objection; but its force

was destroyed by the fact that his treaty had been recognised, and in some very valuable points executed, by the succeeding Commander of the Mexican forces in Texas. In pursuance of that treaty, General Filisola had agreed to evacuate their territory, and had already passed the Nueces, and was probably by that time crossing the Rio Grande, at the head of 5,000 men.

"What great evil could possibly result from the liberation of the captive President of Mexico? Is Santa Anna so formidable that he alone is a terror to Texas? The plains of San Jacinto had witnessed the idle vanity of his boasted invincibility, and there was not a soldier in the Texan ranks that would not as soon confront him as the meanest caitiff of his nation.—Where then the objection to his being restored? Who and what was he more than any other Mexican chief? If they must fight the Mexicans again, it was of little importance who led their miscreant hordes; they must and could carry the war beyond the Rio Grande, and whether Santa Anna, or Bravo, or another were there, he would witness the rehearsal of the brilliant tragedy of San Jacinto. By detaining the prisoner, they would gain nothing but the miserable gratification of wreaking a pitiful vengeance for the wrongs their friends had sustained at his hands. This desire to retaliate was natural, and had he never been received as a prisoner, he might, on the clearest principles of retribution, have been made the victim of his own exterminating and barbarous policy; but after he had been admitted to the protection and hospitality of the camp, and had actually ratified, and, in part, executed a treaty with his captors, it would have been a gross violation of every principle of honour, and every rule of war, to visit such retribution upon him."

Notwithstanding the cogency of President Burnet's reasoning, the current of public sentiment ran against the liberation of Santa Anna. Indeed, there

was a difference of opinion on the subject in the Cabinet itself. General Lamar, who, on the assumption of the command of the army by General Rusk, had been appointed Secretary of War, was strongly opposed to the measure of liberation. In a letter addressed by him to the President and Cabinet, he entered into an ample exposition of his views respecting the disposal of the prisoners, premising that whilst most of the Cabinet considered Santa Anna exclusively as a prisoner of war, he regarded him more as an apprehended murderer.

"The conduct of General Santa Anna will not permit me to view him in any other light. A chieftain battling for what he conceives to be the rights of his country, however mistaken in his views, may be privileged to make hot and vigorous war upon the foe; but when, in violation of all the principles of civilized conflict, he avows and acts upon the revolting policy of extermination and rapine, slaying the surrendering, and plundering whom he slays, he forfeits the commiseration of mankind, by sinking the character of the hero into that of an abhorred murderer. The President of Mexico has pursued such a war upon the citizens of this republic. He has caused to be published to the world a decree, denouncing as pirates beyond the reach of his clemency, all who shall be found rallying around the standard of our independence. In accordance with this decree, he has turned over to the sword the bravest and best of our friends and fellow-citizens after they had grounded their arms, under the most solemn pledge that their lives should be spared. He has fired our dwellings, laid waste our luxuriant fields, excited servile and insurrectionary war, violated plighted faith, and inhumanly ordered the cold-blooded butchery of prisoners, who had been betrayed into capitulation by heartless professions. I humbly conceive that the proclamation of such principles, and the perpetration of such crimes, place the offender out

of the pale of negotiation, and demand at our hands other treatment than what is due to a mere prisoner of war. Instinct condemns him as a murderer, and reason justifies the verdict. Nor should the ends of justice be averted because of the exalted station of the criminal, or be made to give way to the suggestions of interest, or any cold considerations of policy. He who sacrifices human life at the shrine of ambition is a murderer, and deserves the punishment and infamy of one; the higher the offender, the greater reason for its infliction. I am, therefore, of opinion that our prisoner, General Santa Anna, has forfeited his life by the highest of all crimes, and is not a suitable object for the exercise of our pardoning prerogative."

As the next best course to adopt after the rejection of the proposal for the execution of Santa Anna, he recommended his detention until a treaty of peace had been concluded with Mexico; but his mind adhered to the conviction, that the prisoner should be tried and punished for the crime of murder.

"I still feel that strict justice requires this course; that it is sustained by reason, and will receive the sanction of the present generation, as well as the approving voice of posterity. If the Cabinet could concur with me in this view of the subject, and march boldly up to what I conceive to be the line of right, it would form a bright page in the history of this infant nation. It would read well in the future annals of the present period, that the first act of this young republic was to teach the Caligula of the age that, in the administration of public justice, the vengeance of the law falls alike impartially on the prince and the peasant. It is time that such a lesson should be taught the despots of the earth: they have too long enjoyed an exemption from the common punishment of crime. Throned in power, they banquet on the life of man, and then purchase security by the dispensation of favours. We have it in our power now to give an impulse to a salutary change in

this order of things. We are sitting in judgment upon the life of a stupendous villain, who, like all others of his race, hopes to escape the blow of merited vengeance by the strong appeals which his exalted station enables him to make to the weak or selfish principles of nature. Shall he be permitted to realise his hopes or not? Shall our resentment be propitiated by promises, or shall we move sternly onward, regardless of favour or affection, to the infliction of a righteous punishment? My voice is '*Fiat justitia ruat cœlum.*'"

He disclaimed resorting to the law of retaliation in support of the measure he proposed; all he asked was even-handed justice:

"Let the same punishment be awarded him which we would feel bound in honour and conscience to inflict on a subaltern charged and convicted of a like offence: this is all that justice can require. If he have committed no act which would bring condemnation on a private individual, then let him be protected; but if he have perpetrated crimes, which a man in humble life would have to expiate upon the scaffold, then why shield him from the just operations of a law to which another is held amenable? The exalted criminal finds security in negotiation, whilst the subaltern offender is given over to the sword of the executioner. Surely no considerations of interest or policy can atone for such a violation of principle. View the matter in every possible light, and Santa Anna is still a murderer."

Alluding to the feelings of the Volunteers, he said,

"It will be useless to talk to a soldier of San Jacinto about national independence, and national domain, so long as the bones of his murdered brethren lie bleaching on the prairies unrevenged. Treble the blessings proposed to be gained by this negotiation will be considered as poor and valueless, when weighed against that proud and high resentment

which the soldier feels for wrongs received. In the day of battle the animating cry was 'ALAMO!'—And why? because it was known that the slaughterer of the Alamo was then in the field: it was him that was sought. It was not against the poor and degraded instruments of his tyranny that we warred; they fell, it is true, before our avenging strokes like grass before the reaper's sickle."

The influences of wealth and station, he maintained, caused men to deal out unequal justice.

"The great difficulty in dealing with our prisoner as his crimes deserve arises, as I have already intimated, from the fact that education will not permit us to strip him of his ill-gotten honours, and view him in the attitude of a private individual. We are taught, by what we see around us in early childhood, to reverence wealth and power, and it is almost impossible in after-life to emancipate the mind from the slavish thraldom; so that when we approach the guilty lords of creation, there is an involuntary shrinking back, as if we deemed them privileged in enormity, and not amenable to us for their outrages. We feel that we should not deal with them as we would with ordinary men. If a peasant, convicted of murder, shall offer a bribe for the preservation of his life, it meets with prompt and indignant repulsion; but if a prince, under like circumstances, shall in the fulness of his power propose some lordly favour, it is accepted with avidity, as if it were upon our part a virtuous performance of duty. Besides this, we flatter ourselves that there is nothing wrong in the transaction, because we are not personally and privately the beneficiaries of the bargain; but certainly the right or wrong doth not depend upon who are the recipients, whether the public or an individual. If we have a right thus to act for the good of the nation, we can do the same for the good of a community; and if for a community, we can for a family; and if for a family, why may not that family be our own? This mode of reasoning will readily exhibit the fallacy, if not the immorality, of that doctrine which draws a distinction between a high and a low offender, and justifies a negotiation

with the one, which would be odious and criminal with the other."

He reminded the government of the character of those whose death they were called on to avenge. They were no mercenary soldiery. The history of war could not furnish a nobler band than those who rallied around the standard of honour. He had known many of them personally, and could testify to their generous spirit.

"Never did the broad eye of day look upon a fouler murder; never were a better or a braver people sacrificed to a tyrant's ferocity. The most of them were youthful heroes."

He had not adverted to the policy of the course he advocated, because it was useless to discuss consequences where principle directed the way. Yet he deemed it not difficult to prove that the course he urged was as safe on the score of policy, as it was sound in principle. The release of Santa Anna would not facilitate the recognition of Texan independence, and his death would be a salutary warning to the leaders of future expeditions.

"I have always thought, and still believe, that our sole reliance should be upon our swords, and not upon the faith of Santa Anna. If the armies now on the retreat shall dare a countermarch, there will not be in the next battle a Mexican left to tell the tale of their defeat; and if another expedition against us shall be gotten up in the fall or the spring, there will come into our country such a cavalcade of heroes as will make their chivalry skip. The very first army that turns its face to the East will awaken a war which will move onward and onward over the broad prairies of the West, knowing no termination until it reaches the walls of Mexico, where we shall plant the standard of the Single

Star, and send forth our decrees in the voice of our artillery."

Having stated his "humble views on this embarrassing question," General Lamar professed himself ready to yield a cheerful acquiescence in the decision of the majority of the Cabinet. Harmony in their councils being indispensable to the preservation of the public tranquillity, and he having many reasons to know that, whatever might be ordered, would be deemed for the best, he observed in conclusion—

"That my feelings and opinions may not be misapprehended, I beg leave, by way of recapitulation, to state that, toward the common soldiers among our Mexican prisoners, I cherish no malice or resentment, looking upon the most of them in the light of unwilling instruments in the hands of tyranny; neither can I perceive in the conduct of the officers any particular acts which might not be considered as legitimate in a soldier devoted to his profession, or in a patriot enlisted in the cause of his country. These, after an exchange of prisoners, I would retain in the custody of the government until the conclusion of the war; but, viewing General Santa Anna altogether in a different attitude, I would adopt the course in reference to him which I have already urged. His crimes being sanguinary, I would read his punishment from the Code of Draco."

The final disposal of General Santa Anna was reserved for the government about to be established in conformity with the Constitution.

Lamar was a Georgian, a native of the same State of the Union which gave birth to Fannin and the flower of his division. His indignation, as a brave and honourable man, against the perpetrator of a cold-blooded massacre, was consequently heightened by regard for his victims.* As Ge-

* Among the prisoners slaughtered with Fannin at Goliad were

neral Lamar has since risen to the highest offices of the Republic of Texas, a notice of his previous career will not be out of place.

Of a highly respectable family, of French descent on the paternal side, Mirabeau B. Lamar was born in the county of Jefferson, in Georgia, on the 16th of August, 1798. He was early selected by George M. Troup, Governor of that State, to be his private secretary, and was received into his family upon terms of intimate and confidential friendship. Having distinguished himself as the defender of State rights against Federal encroachment, he was brought forward by those who observed and admired his conduct, as a candidate for a seat in Congress.

"The political opinions of the several candidates were demanded in writing; and when those who selected him attempted to dictate his course, he withdrew his name from their nomination, and gave his reasons for the measure in an able and eloquent address, in which he exposed the dictatorial temper and dangerous influence of the Caucus party. This brought upon him, for a time, the displeasure of the party leaders, whose opinions, and not his own, were attempted to be made the guide of his political conduct. So great was his abhorrence ever after of political managers and party dictation, that he refused every solicitation of his friends to have his name again brought before the people as a candidate for popular favour. But this resolution in no wise abated the fervour of his patriotism. Whilst he uniformly, but respectfully, declined all public

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a number of the Irish settlers of San Patricio. For them no indignant countryman has yet raised a voice. In a list of part of the division, I find the names of Hunter, Harper, J. Kelly, M. Byrne, Patrick Nevin, J. M'Glone, D. M'Gowan, W. Hams, Coghlan, Disney, Gibbs, Brannan, Ryan, Fadden, Garner, Fraser, and Watson—all of British birth.

honours, he continued to enlighten the people by his written productions, and to rouse them by his eloquence to a just sense of their rights."

To recruit his health, which required continued exercise and the excitement of travel, he prepared for a journey to Texas, and entered the country in the month of July, 1835. From Nacogdoches he proceeded to Cole's Settlement, where he announced his intention to become a Texan citizen. In accordance with his determination, he paid an authorized surveyor of the colony a fee to run him off his head-right lands. He also made a declaration in the Primary Assembly of the people at Washington, on the Brazos, when the war was first agitated, that Texas was not only to be his future home, but that, in the event of a revolutionary struggle, he was resolved to adopt her destiny for good or ill.

From Washington he went to San Felipe, where, in consequence of the closing of the Land Office, he was unable to obtain an order for his head-right. He was informed by the Empresario, Stephen Austin, that he might proceed to the United States, and return without forfeiting any of his privileges. He departed accordingly, about the end of November; and shortly after his arrival in Georgia, and before he could arrange his affairs, he received intelligence which induced him to forego all personal considerations, and hasten back to the land of his adoption. He landed at Velasco about the period of the massacre at Goliad. All was panic and confusion, and the enemy was said to be close at hand. Unable to procure a horse, he started on foot for the army, and joined its ranks as a private

soldier, about ten days before the battle of San Jacinto. His gallantry, in a partial engagement on the 20th, raised him to the command of the cavalry corps on the 21st. He was shortly afterwards invited to the Cabinet of the President; first as Attorney-General, and then as Secretary of War.

A writer, who had been acquainted with him for several years, has sketched his character in these terms:—

"General Lamar is a warm-hearted and enthusiastic man, and devoted to his friends. There is no consideration of self—no impulse of ambition—no inducement of interest—no fitfulness of temper, which can induce him to forsake them. He is gentle and forgiving, gay, companionable, and confiding. He is neither proud nor vain, but modest and unpretending. It is his simplicity of character which strangers to his feelings mistake for pride. With commanding talents, and an undying enthusiasm animating, impelling, and directing him to the performance of the most generous and daring deeds, he is qualified to give energy and character to a new government. He is a practical man in all the affairs of life, and his political productions exhibit the soundest views and the most enlightened judgment. Some of the best essays upon the government of the United States, which appeared in the public press of Georgia, emanated from his pen. He is fond of the arts, and has cultivated them with great attention, but not at the expense of his knowledge and usefulness as a statesman."

On the 9th of June, General Santa Anna transmitted to the President a Protest, of which the following are the heads:

"I protest against the violation of the faith engaged in the agreement made between me and the government of Texas, signed the 14th May ult., and commenced verbally with the General-in-Chief of the army of Texas, Samuel Houston, and T. J. Rusk, Secretary of War.

"1st. For having been treated more like an ordinary criminal than as a prisoner of war, the head of a respectable nation, even after the agreements had been commenced.

"2nd. For the treatment as prisoner of war, and ill usage received by the Mexican general, Adrian Woll, who had come into the Texan camp with a flag of truce, under the safeguard and word of honour of General Houston, and with the consent of the members of the Cabinet.

"3rd. Against the non-fulfilment of the exchange of prisoners, stipulated in the 9th article, inasmuch as, up to the present time, not even one Mexican prisoner of-war has been set at liberty, notwithstanding the liberty given to all the Texans in possession of the army under my command.

"4th. Because the *sine quâ non* of the 10th article, as follows, has not been carried into effect; which is, that I shall be sent to Vera Cruz 'when the government shall deem it proper;' whereas the President himself and the Cabinet of Texas, being convinced that I had punctually fulfilled all my engagements, viz., that the Mexican army, 4,000 strong, should retreat from the position it occupied on the Brazos to beyond 'Rio Grande;' that all the property should be given up, also the prisoners of war—had determined on my embarking in the Texan schooner of war, the Invincible, in which I finally did embark on the 1st June instant, after addressing a short farewell to the Texans, wherein I thanked them for their generous behaviour, and offered my eternal gratitude.

"5th. For the act of violence committed on my person, and abuse to which I have been exposed, in compelling me to come again ashore, on the 4th instant, merely because 130 volunteers, under the command of General Thomas J. Green, recently landed on the beach at Velasco from New Orleans, had, with tumults and with threats, requested that my person should be placed at their disposal.

"Finally, I protest against the violence kept up towards me, by being placed in a narrow prison, surrounded with sentinels, and suffering privations which absolutely render life insupportable, or tend to hasten death; and finally,

for being uncertain in regard to my future fate, and that of the other prisoners, notwithstanding a solemn treaty."

To this communication Mr. Burnet replied on the 10th. He admitted, with "profound mortification," that popular excitement had constrained the government to deviate for a season from the terms of the treaty, relative to his conveyance to Vera Cruz.

"But," he added, "the causes that have produced the constraint under which the government have acted are not unknown to you, and I should regret to believe that you were incapable of giving to them a just appreciation. The citizens, and the citizen soldiers of Texas, have felt, and do feel, a deep, intense, and righteous indignation at the many atrocities which have been perpetrated by the troops lately under your Excellency's command; and especially at the barbarous massacre of the brave Colonel Fannin and his gallant companions. How far your Excellency participated in that abominable and inglorious slaughter I am not disposed to conjecture; but it is both natural and true that the people of Texas impute it to your Excellency's special command.

"1st. I do not precisely comprehend the character of the treatment objected to, and would have been pleased to have had the specifications. If your Excellency alludes to the accommodations which have been assigned to you, I would reply that I have cheerfully subjected my own sick family to many hardships, in order to render to your Excellency the best accommodations in our power. That we are at present destitute of the ordinary comforts of life, is mainly attributable to your Excellency's visit to our new country; and on this account we feel less regret that you should partake of our privations.

"2nd. Your second protest, relating to the treatment experienced by the Mexican General Adrian Woll, involves some facts which I do sincerely deplore, but for which this government is not strictly responsible.

"Your Excellency is sensible that we have done all in our power to guarantee the safe return of General Woll to the Mexican camp; but our orders have been contravened by the commander of the Texan army, at a remote distance from the seat of government. The reasons that have actuated that officer have not been fully detailed to us; but we are informed that they are predicated on some alleged imprudences of General Woll, whose good discretion, we know, has not been very conspicuously manifested during his stay amongst us

"3rd. The third article of your protest is 'against the non-fulfilment of the exchange of prisoners stipulated in the ninth article, inasmuch as, up to the present time, not one Mexican prisoner of war has been set at liberty, notwithstanding the liberty given to all the Texans in possession of the army under my command.'

"Your Excellency seems to have a more minute intelligence on this subject than has come to my knowledge; for I have no official information of a single Texan prisoner having been given up under the treaty. Some of the intended victims, the companions of the murdered Fannin, have happily effected their escape, and safely arrived amongst us; but these cannot be considered as liberated in the sense of the treaty; whereas this government has gratuitously discharged several Mexican captives, and defrayed their expenses to New Orleans, the destination which they solicited.

"4th. The fourth clause of your Excellency's protest has been antecedently answered in part. Your Excellency's recollection has betrayed you into an error, when you say, 'the President himself, and the Cabinet of Texas, being convinced that I had punctually fulfilled all my engagements,' &c.

"This government were convinced that your Excellency had complied with some of your stipulations, and this conviction aggravates the mortification which the late events have inflicted upon them. But they were not informed that 'all the property had been given up;' or that any of the prisoners had been restored, as your Excellency erro-

neously imagines. On the contrary, we were advised that large herds of cattle had been driven in advance of the retreating army; and that a few only of the slaves that had been abducted were returned.

"It is due to your Excellency to say, that the government confidently believed that these restorations would be effected, as early as a proper convenience would admit. But I am induced to advert to another fact, in relation to which it would be difficult to extend the same charitable exculpation to the officers of the Mexican army. It has been reported that the walls of the Alamo at Bexar have been prostrated, and that the valuable brass artillery attached to that fortress have been melted down and destroyed.

"There were many painful and pleasing and glorious reminiscences connected with that Alamo, which renders its wanton dilapidation peculiarly odious to every Texan spirit; and your Excellency needs not to be informed that the destruction of it was an infraction of the armistice, and a violation of the treaty.

"5th. In reply to your Excellency's fifth protestation, I remark, that the painful circumstances, which induced the government to direct your debarkation, have already been adverted to in a spirit of frankness and of self-humiliation, which a consciousness of error alone could extort. It were superfluous to repeat the causes which induced this government to vary its discretion in regard to the time they should deem the departure of your Excellency to be proper. I am not sensible of any act of 'violence and abuse' to which you were exposed, that was not necessarily concomitant on your return to shore.

"To your final protest I reply, that while you are a prisoner ordinary precautions are inevitable. I have not been apprised of anything more; and your privations (as alleged) are those we suffer ourselves."

The feeling in favour of Texas was extending in the United States. An entertainment was given by its friends in the city of New York, at which Gene-

ral Hamilton, Mr. Preston (member for South Carolina, in the Senate of the United States), and other distinguished public men were present. In Congress also several of the leading members raised their voices in support of the Texan cause. On the 18th of June, Mr. Clay, from a Committee of the Senate on Foreign Relations, reported favourably to the recognition of the independence of Texas, so soon as it should appear that she had in "successful operation a civil government, capable of performing and fulfilling the obligations of an independent power."

Speaking of the military struggle, he said—

"If the contest has been unequal, it has, nevertheless, been maintained by Texas with uncommon resolution, undaunted valour, and eminent success; and the recent splendid victory—in which that portion of the Mexican army which was commanded by General Santa Anna, the President of the Mexican government, in person, was entirely overthrown with unexampled slaughter, compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the President himself and staff—may be considered as decisive of the independence of Texas."

The two houses of Congress, acting separately, passed resolutions in accordance with the terms of Mr. Clay's Report; the preamble to the resolution of the House of Representatives distinctly intimating that the "expediency" of recognising Texas should be left to the decision of Congress. On the 27th of June, the Senate, on the motion of Mr. Preston, adopted a resolution for sending a Commissioner to Texas. Mr. Morfitt was appointed by the

executive to visit the country, and report its situation and resources.

The Texan Government *ad interim* having discharged the duties which devolved upon it in a season of great emergency, President Burnet issued his proclamation, ordering an election of a President, Vice-President, and Members of Congress, and requiring that the people should simultaneously declare their sentiments with respect to the existing Constitution framed by the delegates in March, and in relation to the question of the annexation of Texas to the United States—a measure of apparent expediency in the exhausted state of their finances.

Stephen Austin was nominated to the Presidency of Texas on the 9th of August. General Houston, who had returned to Texas, was also nominated to the same office, at Columbia, on the 28th of the month, by more than 600 persons.

Early in September, Samuel Houston was elected first Constitutional President of the Republic of Texas, and Mirabeau B. Lamar Vice-President.

The voice of the people declared for the Constitution as it was; and all the suffrages, except 93, were given for the annexation of Texas to the United States of America.

The Texan Congress assembled at Columbia on the 3rd of October. Few legislative bodies were ever convened under more trying circumstances. Rumours of Mexican invasion had agitated the country early in the summer, had passed away, and were again renewed. The Mexican government had passed a decree on the 20th of May, annulling all stipulations entered into by Santa Anna while a

prisoner. Warlike preparations, on an extensive scale, had been made in Mexico, and General Lamar was called to the command of the Texan army, to organize forces for the defence of the country. By an order of the United States Government, dated the 11th of July, General Gaines was directed to cross the boundary line, and take a position in Texas, which order was executed in autumn. Troubles in the interior having diverted the attention of the Mexican government from Texas, nothing farther was heard of the projected expedition until November, on the 9th of which month General Bravo, Commander-in-Chief of the Army of the North, issued a Proclamation to his soldiers, from the camp at San Luis Potosi, announcing to them that they were destined to form an important part of the army against Texas.

"Since the grand work of our independence was achieved," said the General, "our country never called upon its worthy sons in defence of a more sacred cause, nor to sustain a more just war. In that Texas, where there should only be found people friendly to the Mexicans, and grateful for the generous hospitality granted by them, you but meet with hordes of insolent adventurers, who, when our usurped lands are claimed from them, answer by raising the savage cry of war. A trifling success, which must be attributed to the contempt with which they were looked upon, and by no means to their own prowess, has filled them with vain glory."

Threatened from without, Texas was disorganized at home: the lands laid waste; the people impoverished; the Government inundated with claims and demands; the treasury empty; the army naked

and starving. Still, amidst its multiplied embarrassments, the legislature proceeded to the discharge of its functions with the unshrinking constancy of the Anglo-American spirit.

In his Inaugural Address, President Houston dwelt upon the difficulties and perplexities that must beset his administration; which patriotic zeal, guided by philosophy and wisdom, could alone enable him to surmount. He recommended treaties of peace and amity with the Indians, and the establishment of commercial intercourse with the tribes. To provide against Mexican invasion, their energies, he said, should be kept alive; their army organized, disciplined, and increased in proportion to their necessities. He contrasted the perfidy and cruelty of their invaders with their own humane and forgiving conduct, which reflected so much glory on the Anglo-Saxon race, and had obtained for them the sympathy and the aid of friends in the land of their origin. The last topic to which he adverted was annexation to the United States, the appeal in favour of which had been made by "a willing people," who hoped to be welcomed into "the great family of freemen." Addresses were also delivered by General Lamar, in his capacity of Vice-President of the Republic and Chairman of the Senate, which, in an elevated tone of patriotism, deprecated party spirit and controversial intolerance.

Following up the declared wishes of the people, the Congress passed an Act, empowering the President to appoint a minister to negotiate at Washington for the annexation of Texas to the Union. A law was also passed, authorizing the President to

issue bonds, of 1,000 dollars each, to an amount not exceeding five millions of dollars, to bear interest to the purchaser not exceeding ten per cent., to be redeemed at the expiration of thirty years, and to be offered for sale by two Commissioners in the United States or in England; said commissioners to report from time to time the amount of the bonds sold, and the expenses of sale. It was provided, likewise, that the Commissioners might sell bonds to the amount of two millions, redeemable in not less than five years; and that the holders should be entitled to purchase the lands of the Republic at the minimum government price, paying bonds for the same; and finally, that for interest and principal, the public faith should be pledged, as also the proceeds of the sale of the public domain, and the taxes on land, after 1838. Among the measures of the Session were Acts for granting bounties in land to those who fought at Bexar, the Alamo, Goliad, and San Jacinto, and their legal representatives; for increasing the navy, by the purchase of a sloop of war and two armed steam vessels; and for incorporating a Railroad, Navigation, and Banking Company.*

To meet the invasion threatened by General Bravo, President Houston ordered that every able-bodied man, subject to military service, should provide himself with a good rifle, or gun, 100 rounds of ammunition, and, if procurable, a good horse. He also issued orders for the immediate organization of the Militia.

* For a list of the Public Acts and Regulations of Congress so late as the spring of 1840, see Appendix, No. VIII.

The disposal of Santa Anna became a subject of legislative consideration. In August, a plot for his release had been discovered at Columbia. The vessel destined to bear him off was seized, and the Mexican President and Colonel Almonte put in strict confinement. The former, it was alleged, attempted to destroy himself by swallowing opium, which only produced nausea.

It was the desire of President Houston to send Santa Anna to Washington, with a view to certain diplomatic arrangements, to which the government of the United States was to be a party. His enlargement was opposed on the several grounds that the conditions of the treaty with him had not been fulfilled by Filisola; that no reliance could be placed on his promises; that he could not treat at Washington, the government of the United States having received formal notification that none of his acts would be recognised by Mexico; that his detention in Texas would deter his friends from invading the country; and that, in the event of Texas invading Mexico, his name and person would facilitate the progress of the army. In reply to these arguments it was stated, that his maintenance was a useless expense to the government; that proclamations in his name, at the head of an invading army, would be of no avail; that if liberated, he might regain power, and acknowledge the independence of Texas, and, if he failed to reinstate himself in authority, he would obtain a respite for Texas, by exciting civil commotion in Mexico; and that, at the worst, should he, after regaining his position, renew his attempts upon Texas, he would encounter the execrations of

the civilized world, while Texas would be justified, and her cause sustained. Ultimately, after much discussion, Santa Anna was released by an act of the Executive.

William H. Wharton, appointed Minister from Texas to the United States, left the seat of Government for Washington on the 17th of November. General Santa Anna proceeded to the same destination in December, escorted by Colonels Bee and Hockley, and Captain Patton. He had written, in August, to the President of the United States, expressing his willingness to fulfil his stipulations with General Houston, and requesting his mediation. The only obstacle was the Mexican decree of the 20th of May, annulling the power of Santa Anna while a prisoner. If his authority and influence were to be rendered available, either for the acknowledgment of Texas as an Independent and Sovereign Nation, or as a State of the American Union, he should be left to act free and untrammelled, and be restored to the exercise of his authority as President of Mexico—his tenure of which office was to expire on the 1st of March, 1837. Under this impression, General Houston had acceded to his release and assumed its responsibility

Santa Anna arrived at Washington on the 18th of December, and, on the 21st, President Jackson addressed a message to Congress on the subject of Texan recognition. Having communicated the report of his Commissioner of Inquiry, Mr. Morfitt, transmitted from Texas, respecting the pretensions of that country to form an independent Sovereign State—which report was favourable to recogni-

tion—the President delivered his opinion in these words:—

"The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbours to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico herself, or one of the great foreign powers, shall recognise the independence of the new power, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to maintain the government constituted by them."

The afflictions of Texas in the year 1836 were consummated by the death of Stephen Austin, who, on the elevation of General Houston to the Presidency, had been called to the office of Secretary of State. He died at Columbia, on the Brazos, on the 25th of December, in the forty-fifth year of his age, and was borne to his narrow home, in the land of his solicitude and love, amidst the heartfelt regrets of a grateful people, for whose interests he had ungrudgingly sacrificed time, endeavour, tranquillity, and health.*

Stephen Austin's character was of the true heroic mould. Unlike those mighty mischief-makers, whose progress resembles the devastating course of

* His relative, Mrs. Holley, in her work on Texas, published in 1836, says—"General Austin is still a young man, not yet forty-five years of age, but, through the hardships of his life, looks much older than he really is."

the pestilence and the tornado, and on whom vulgar minds confer a spurious renown, his genius led him to construct, not to destroy. In his youth he had received a respectable academical education, commenced at Colchester in Connecticut, and concluded in Transylvania University at Lexington, in Kentucky. But the world, with its practical experience, was his real instructor. From early familiarity with business and intercourse with men, he gained that diversified knowledge which enabled him to perform the part allotted to him by Providence—a part without a parallel in modern times.

In June, 1821, Moses Austin bequeathed to his son his plan of Texan Colonization. Stephen, then in his thirtieth year, complied at once with his father's last injunction. We have seen the perils he braved, the obstacles he surmounted—his struggles with the marauders of the wilderness—his sufferings in a Mexican prison—his duties and entanglements, civil, military, political, and financial. In every epoch of his career, the spirit of order, equity, fortitude, and perseverance is apparent. Even those who proscribed his patriotism paid homage to his personal worth. General Cos, when he first entered Texas and found Austin at the head of the insurgent force, addressed him individually in terms of high respect; and Colonel Almonte has eulogized the "admirable constancy" with which he followed up his enterprise in Texas.* For fifteen years did he pursue

* "Habiendo muerte el padre de Don Estevan F. Austin, este siguió en la empresa, con una *constancia admirable*, y tiene hoy la satisfaccion de ver realizadas sus esperanzas, contando ya mas de 6,000 almas en su colonia."—Noticia Estadistica sobre Tejas, p. 21.

his object with unswerving rectitude and untiring zeal, and he lived long enough to lay the foundation of a flourishing state, amidst the bloodshed and distraction of civil strife.

"The claims of Stephen Austin upon the affections of the people of Texas," writes Mirabeau Lamar, "were of the strongest kind. He was not only the founder of our Republic, but scarcely a blessing has flowed to our country which might not be fairly attributed to his unwearied exertions for its welfare; whilst almost every calamity which has befallen it might have been averted by an adherence to his wise and prudent counsels. The world has afforded but few examples of superior intelligence and sagacity; and as for disinterested and extended philanthropy—his long suffering for the weal of others—his patient endurance under persecution—his benevolent forgiveness of injuries—and his final sacrifice of health, happiness, and life in the service of his country—all conspire to place him, without a modern rival, among the first of patriots and the best of men."

Another leader of the revolution had gone before Austin. Lorenzo de Zavala died in November, and the Senate testified its respect for his memory by adjourning for a day.

After a Session of little more than two months, the Congress of Texas adjourned in December, having adopted a variety of measures calculated to promote the public good.

CHAPTER II.

Relations of Mexico and the United States—Peremptory Instructions to the American Minister—Withdrawal of Gorostiza—Conferences between President Jackson and Santa Anna—Arrival of Santa Anna at Vera Cruz—Message of the Governor of South Carolina—General Hamilton's Report to the Senate—Acknowledgment of Texan Independence by the United States—Application of Texas to be annexed to the Federal Union—Diplomatic Correspondence—Renewal of diplomatic Relations between the United States and Mexico—Message of President Houston—Opposition of the Northern and Middle States to Texan Annexation—Mr. Preston's Resolution—Withdrawal of the Proposition to annex Texas to the Union.

On the 20th of July, 1836, eleven days after the official communication to the government of the United States, of the decree suspending the Presidential authority of Santa Anna the American minister to Mexico, Mr. Ellis, had been directed by President Jackson to present fourteen specific, and sundry indefinite, claims for indemnity to the Mexican Government, running as far back as 1817.

"If, contrary to the President's hope," said the instructions to Mr. Ellis, "no satisfactory answer shall be given to this just and reasonable demand, within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continues longer, you will give formal notice to the Mexican Government that, unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your

passports and return to the United States, bringing with you the archives of the legation."

On the 26th of September, the list of claims was presented to the Mexican Government; on the 3rd of October, the Mexican Secretary of State informed Mr. Ellis that time was required to examine various documents touching the cases, some of which were of old dates; adding, that the result would be communicated with all possible despatch. On the 20th of the same month, Mr. Ellis intimated that, unless redress were afforded without unnecessary delay, his longer residence in Mexico would be useless. On the 4th of November, he gave the final notice of a fortnight; and, on the 10th, advised Mr. Forsyth of the state of the negotiation. On the 15th of November, the Mexican acting Secretary of State (Monasterio) replied defensively to the cases as prepared. To this reply Mr. Ellis framed a rejoinder; and concluded, in obedience to his instructions, by demanding his passports. On the 7th of December, the diplomatic relations of the United States in Mexico were brought to an abrupt close.

Gorostiza, the Mexican Minister at Washington, had continued to reiterate complaints of breach of neutrality with regard to Texas, until, without awaiting the order of his government, he demanded his passports on his own responsibility, on the 15th of October, 1836. In the annual Message to Congress, on the 6th of December, 1836, President Jackson thus alludes to the relations between Mexico and the United States:—

"The known desire of the Texans to become a part of our system, although its gratification depends upon the re-

concilement of various conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated, on the sole grounds that the obligations of this government to itself and Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as part of Texas, if necessary to protect our own, or the neighbouring, frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honour of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish dominion. The departure of this minister was the more singular as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and that there was every reason to suppose that the troops of the United States—their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches—would be either there, in perfect accordance with the principles admitted to be just in his conference with the Secretary of State, by the Mexican minister himself, or were already withdrawn, in consequence of impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability, in execution of the stipulations of our treaty, to act upon the frontier, into an encroachment upon its rights, or a stain upon its honour.

"In the mean time the ancient complaints of injustice, made by our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character re-

quiring prompt remonstrance and ample immediate redress. I trust, however, by tempering firmness with courtesy, and acting with forbearance upon every incident that has occurred, or that may happen, to do and obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress."

In a subsequent part of the Message, the President stated, that

"At the date of the latest intelligence from Nacogdoches," the troops of the United States were at that station, but that the officer who had succeeded General Gaines had "recently been advised that, from the facts known at the seat of government, there would seem to be no adequate cause for any longer maintaining that position, and he was accordingly instructed, in case the troops were not already withdrawn, under the discretionary powers before possessed by him, to give the requisite orders for that purpose on the receipt of the instructions, unless he should then have in his possession such information as should satisfy him that the maintenance of the post was essential to the protection of the frontier, and to the due execution of treaty stipulations as explained to him."*

* The following are the words of the treaty on which President Jackson justified the advance of General Gaines to Nacogdoches: "It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to obtain this object, both parties bind themselves expressly to restrain, *by force*, all hostilities and incursions on the part of the Indian nations living in their respective boundaries; so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Mexican States the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of those States, in any manner whatever."

When General Santa Anna arrived at Washington he held secret conferences with the executive. It was surmised by opposition politicians that these oral discussions (not formal or official communications)

> "Resulted in an understanding, or a well-grounded expectation reciprocally entertained, to the effect that Santa Anna, on regaining his power, should cede Texas to the United States, for which the United States should assume the claims of her citizens against Mexico, and pay a sum agreed upon, or that should be thereafter settled."*

A European would probably ask, why seek to purchase a territory that was already freely offered by its *de facto* possessors? The answer is to be found in the constitution of the United States, which had given no authority to the Federal Government to annex a foreign power to the Union, or the Union to a foreign power. For acquisition by purchase, General Jackson was enabled to cite the precedent supplied by Mr. Jefferson in the case of Louisiana.

Santa Anna left Washington on the 26th of December, and was furnished by President Jackson with a ship of war to convey him to Vera Cruz. The Senate of the United States, on the 14th of January, 1837, passed a resolution, calling for "any communications received, or correspondence had, between the executive of the United States and General Santa Anna, or by any other person claiming to act on behalf of Mexico," respecting Texas. The answer to this resolution, which was accompanied

* *Letter from a Member of Congress to a Gentleman of Wethersfield, Vermont, dated Washington, December*, 1837. Published in the *National Intelligencer*.

by Santa Anna's letter of the 4th of July, requesting the President's mediation, alleged that, "no other communication upon the subject of the resolution referred to had been made to the executive by any person claiming to act on behalf of Mexico."

Another Message on Mexican affairs was presented by President Jackson to Congress, on the 6th of February, accompanied by documents which showed that diplomatic relations between Mexico and the United States had ceased on the 7th of December 1836, in accordance with the instructions to Mr. Ellis of the 20th July. To this Message forty-six specified claims against Mexico were now appended. The President declared that, in relation to these claims, the conduct of Mexico "would justify, in the eyes of all nations, immediate war;" but recommended, "as an act of wisdom and moderation," that one more opportunity should be given to Mexico to atone for the past, before the United States took redress into their own hands.

"To avoid all misconception on the part of Mexico, as well as to protect their own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it."

The President asked Congress to grant him the power of making hostile reprisals, in the event of the claims being refused "upon another demand thereof, made from on board one of their vessels of war, on the coast of Mexico."

Advices from Mexico represented the restoration of Santa Anna to power as extremely doubtful. His

opponents had circulated the report that he had effected his liberation by making a compact for the cession of Texas—a compromise to the last degree offensive to Hispano-Mexican pride. With the knowledge of Santa Anna's abated influence and clouded prospects, the Committees of the two Houses of Congress responded to the Message of the 6th of February, the Senate on the 18th, the House of Representatives on the 19th of that month. Recognising the wrongs endured by American citizens from Mexico, Congress, without conceding the war power to the President, recommended measures suited to whatever contingency might arise.

The probability of Santa Anna's resumption of authority seemed daily to diminish, and with it the chances of acquiring Texas through the form of purchase, by secret arrangement with him—if such an arrangement existed. On the 20th of February, he landed at Vera Cruz, and forthwith addressed a letter to the Minister at War, which was afterwards published in the *Diario del Gobierno*, the government paper of Mexico, wherein he disavowed all treaties and stipulations whatever, as conditional to his release. Thus writes the Mexican President upon his native soil:—

"The pleasure I feel in again treading upon my native land, after the many outrages and tribulations I have endured; that pleasure, I say, was considerably diminished when I was informed that there were some individuals believing my disgrace was so much the greater because I had betrayed my country and compromised her independence. What! betray an object so dear to my heart? I who have so often fought to preserve her inviolable! Would it not be better that I should perish in the midst of my enemies than

that I should be the mark of so serious and unjust an accusation coming from my own fellow-countrymen? In this case, as well as in many others, I have been the victim of calumny, and, in order to place myself beyond the power of those charges, I should protest to your Excellency, and in the face of the entire world, that I obtained my liberty without subscribing to any conditions whatever; that either before or since that conjuncture I have not made with any one, let him be who he may, any contract that might bring reproach upon the national independence or honour, or place in jeopardy the integrity of the territory; that I accordingly could have given no guarantees whatever to any individual or government relative to those pretended stipulations; and before consenting, either willingly or through force, to any such conditions, I would have suffered a thousand deaths before subscribing to such terms.

"Your Excellency will be pleased to make known all these facts to the President *ad interim*, and to felicitate him on account of the peace which reigns throughout the Republic under the auspices of the new fundamental laws which the nation has enacted through the medium of their representatives."

Assuming the fact that the acquisition of Texas by purchase was impracticable through Santa Anna's intervention, or otherwise, the only mode by which President Jackson could hope to accomplish his object was by compact with the Texans, and this compact could not be made, consistently with treaty obligations, without the sanction of Mexico. One of two courses, therefore, was necessary: to cancel these obligations by war, or extort the assent of Mexico by hostile menace. The first point, however, was the recognition by the United States of the independence of Texas.

Upon the propriety of taking this step there was a conflict of opinion in the Union—in several States

of which the real merits of the controversy between Texas and Mexico were not at all understood, and in others they were not regarded. In the North, where Texas was only viewed in connexion with New York land-jobbing, slave-holding, and *free-trade opinions*, its people were loaded with the most opprobrious epithets, which passed without examination into the journals of Europe. Even in the anti-tariff State of South Carolina, the legislature would have reported against the recognition of Texas but for the active intervention of General James Hamilton, who aided the struggling Republic by the whole weight of his political and personal influence.*

In the question of Texas (apart from his generous sympathy for an oppressed and gallant people), General Hamilton stood forward as the representative of those enlightened principles of commercial intercourse which promise, if thoroughly worked out, to accomplish the physical redemption of the human race, and to annihilate war by subverting its causes. He had signed the Convention of South Carolina, annulling the heavy and partial (Northern) Tariff—a measure which shook the basis of the Union, and whose destructive tendencies were arrested by the compromise effected by Mr. Clay. In Texas he had the sagacity to perceive an infant, but prospectively powerful asserter of those principles of trade with which he was identified.

* In 1836 General Hamilton was offered, by a unanimous vote of both branches of the Texan Congress, the chief command of the army, and was invited to become a citizen, to enjoy the honours of the highest public trusts. He declined the offer, owing to domestic engagements in South Carolina, and out of delicacy to distinguished citizens of Texas.

In December, 1836, Governor M'Duffie, of South Carolina, the intimate friend of General Hamilton, with whom he had been associated in public life for fifteen years, sent a message to the legislature of the State, disapproving of the Texan revolution—enforcing the obligations of strict neutrality—deprecating recognition—and stating, that "under whatever circumstances of adventure, speculation, honour, or infamy the insurgents of Texas had emigrated to that country, they had forfeited all claim to fraternal regard:" they having "left a land of freedom for a land of despotism, with their eyes open, deserved their destiny." A Report from the Committee of Federal Relations, in the House of Representatives, was sent up to the Senate for their concurrence, which contained an implied sanction of the Governor's opinions, not only as to the respective merits of Mexico and Texas in the existing contest, but also as to their respective claims to American regard. As Chairman of the Committee of Federal Relations in the Senate, General Hamilton drew up a Report in answer to the Message, vindicating, from a knowledge of the facts, the conduct of Texas, which Report was supported by Mr. Poinsett (formerly minister to Mexico), and adopted without a division, by nearly a unanimous vote. After noticing the general characteristics of the Texan struggle, the Report alluded to the future relations between Texas and the United States.

"The sequel of this deeply-interesting drama must be left to the dispensations of a wise Providence, whom we are taught to believe orders everything for the best. There may be those who suppose that it will be neither the policy of

the United States to recognise the independence of Texas nor to admit her into the Union. We do not desire to anticipate the vast considerations which enter into this subject. To such persons it might be said, that although both of these privileges might be denied, yet we cannot strike Texas from the map of the physical globe, nor from her territorial location. There she stands as our neighbour, for good or for evil, touching our frontier at a point of intimate community with our most sensitive interests, and alluring, by her immense and boundless fertility of soil, a stream of emigration which is destined to make her a great State in our confederacy or a powerful separate empire."

General Hamilton addressed the Senate on the motion for the adoption of his Report, and the consequent rejection of that from the House of Representatives. He met the Southern objection to the recognition of Texas, on the ground of competition in products, and maintained that the difficulties and evils of this competition were not to be obviated by withholding recognition, when Texas had established her claim to it according to the law of nations.

"Would our refusal to recognise her independence, or admit her into the Union, in the language of the Report, 'strike her from the map of the physical globe?' Would it curse with an irreversible sterility the teeming fertility of her exuberant soil? Would it cover with a blight the cotton plant, which in that favoured country grows almost with the perennial magnificence of a tropical production? Would our refusal check the current of her rivers in their journey to the ocean, freighted with the richest staples of the finest agricultural country probably in the habitable globe? Would, in one word, our refusal to receive her as a member of this Confederacy check that disastrous stream of emigration that, without a reflux, is steadily setting west? No, not one jot. Let Texas once establish her independence, and a separate Republic, and throw open a series of

free ports to the commerce of the world, and he would ask, whether the dangers of her competition would not be vastly augmented from the fact that, whilst her planters would make one-third more cotton to the acre than is produced on the richest Mississippi bottom, the exchanges on the commodities, destined to purchase the staples of Texas, would come into that country burdened with 30 per cent. less of taxation?

"In this view the subject is scarcely less important and interesting to the merchant and manufacturer at the North. For what would become of their respective trades, with millions of untaxed British navigation crowding the ports of Texas, and millions of British manufactures introduced through Texas, flooding the vast valley of the Mississippi? These momentous considerations would have, he believed, to be presented one day or other, and that perhaps not very distant, to the deliberations of the American people. He trusted that their decision would add fresh stability and harmony to the Union."*

Mr. Poinsett, in supporting the motion, made the following observations:—

"Ought we to imitate the conduct of the members of the British Parliament, who condemned them in unqualified terms, while they accused this government of fermenting the revolution of Texas, in order to acquire possession of that territory? Mr. Ward, who took the lead in that debate in the House of Commons on the 5th August last, from the circumstance of his having been the British Envoy in Mexico, asserted that the United States 'had long regarded Texas with covetous eyes, and that to obtain possession of that province had been the first object of its policy'—now this opinion is contradicted by the fact that Mr. Adams might, if it had been judged expedient to do so, by Mr. Monroe's advisers, have obtained possession of it by treaty. There was no serious obstacle to his extending our boundary so as to embrace Texas, when he made the treaty of limits with

* I quote from the *Columbia* (South Carolina) *Telescope*, of December 21st, 1836.

Don Luis Onis. It was an error—of which he became afterwards fully convinced. Mr. Ward said further, that he (Mr. Poinsett) had sought, during their mutual residence there, to acquire Texas for his government, and had made proposals to purchase the territory for ten millions of dollars. This, too, is a great mistake. He did not doubt that Mr. Ward had been so informed; but the intelligence he received on that occasion was erroneous and unfounded. The American Government never made any overtures to Mexico for the purchase of Texas through him, nor during his residence there. Mr. Ward insinuated that these negotiations were conducted through the former Vice-President of Texas, Don Lorenzo de Zavala, of whom he took occasion to speak disparagingly—'a man of talents, certainly; but totally destitute of principle'—which simply means that he was not of the English party, but devotedly attached to republican principles—a devotion which he has displayed throughout all the trying scenes of the revolution in Mexico. In his youth he was immured four years in the dungeons of the castle of Ulloa, for having dared to murmur against the tyranny of Spain. Upon the adoption of the Constitution in that country in 1812, he was liberated and sent to Madrid by his countrymen to plead for the liberties of Americans, which he did fearlessly and eloquently. When the revolution took place that separated Mexico from the mother country, he returned home and placed himself in the first rank of those who sought to give republican institutions to his country; and when the last change took place, he indignantly returned his commission of Minister to France to Santa Anna, and retired to his farm in Texas, declaring that he had received the appointment from a free government, and would not serve a tyrant. He said, in reply to Mr. Ward, that the United States had maintained a strict neutrality in the controversy between Mexico and Texas, and had acted with the most perfect good faith towards both parties.

"From what he (Mr. Poinsett) had seen and known of the policy of our government in this particular, he thought South Carolina might repose upon the wisdom and pru-

dence of their councils. He presumed the same course would be pursued towards Texas that had been pursued towards the States of Spanish America. When a government *de facto* existed there, capable of maintaining its independence, it would, he presumed, be recognised by this country. Such an act could not be regarded as a cause of war by Mexico. It had not been so considered by Spain; and when we recognised her revolted colonies, the amicable relations between the two countries were not interrupted." * * * * If the annexation of Texas to these United States should become afterwards a question between us, and the proposal should come from them, he hoped it would be entertained by this country favourably. He believed that the best interests of this country would be consulted by the adoption of such a measure. If the time of the Senate permitted, and it were a question fitting to be entertained here, he thought he could prove conclusively, that the interests of the whole Union, and especially of the South, required that Texas, if once separated from Mexico, should be annexed to these United States.

"The result of the contest between Mexico and Texas was, as truly said in the Report, in the hands of Providence. He thought it too probable that the Texans might be driven from their homes by the overwhelming forces preparing to march against them, but the Mexicans cannot keep possession of that State—that government cannot maintain a large standing army at so great a distance from the capital. They would be compelled to withdraw it in a short time, and the Texans will re-occupy the country. To Mexico this is a perilous contest. Their retreating forces may be followed to the centre of their fertile fields. This danger is the more imminent as all the States north of Tamaulipas are essentially republican, and have submitted unwillingly to the repeal of their free institutions. Whatever reverses Texas is still destined to undergo, if that people continue firm and united, they must ultimately be free."

On the 3rd of March, 1837, the last day of President Jackson's official existence, he signed the

resolution of the Congress of the United States for the acknowledgment of the independence of Texas.

On the 27th of May, under the Presidency of Mr. Van Buren, Mr. Robert Greenhow, a clerk in the Department of State at Washington, was sent with despatches to Mexico, with instructions to deliver them at the proper department, and remain one week for a reply. Mr. Greenhow executed his mission on the 20th of July. The documents transmitted to Mexico consisted of fifty-seven articles of claims, with proofs and vouchers, which the Mexican minister, on the 29th of July, said it was impossible to translate and consider in the specified time.

On the 6th of July, General Hunt (formerly of North Carolina) was presented by the acting Secretary of State to the President of the United States, as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas. The object of General Hunt's mission was to effect the annexation of Texas to the Union. In pursuance of this object, he addressed a long communication on the 4th of August to the American Minister, Mr. Forsyth, in which, after reciting the principal events of Texan history, he urged the proposition he was instructed by his government to submit.

"In the short period of two years," he said, "Texas has revolted, formed a provisional government, declared her independence, achieved it by the sword, formed and adopted a civil constitution, established a permanent government, and obtained at the hands of one of the most powerful governments in the world the acknowledgment of her independence." * * * *

"Texas, in seeking to place herself among the States of the Union, is prompted mainly by a filial reverence for the constitution and the people of the United States. She has

no expectation of an invasion, much less of a reconquest, at the hands of Mexico. The humiliating defeat and capture of General Santa Anna at San Jacinto is too fresh upon the memories of her soldiery to justify the indulgence of any such apprehensions. Nor does she seek annexation as a shield of protection against the interference of European monarchies. Since the recognition of her independence by the government of this country, she has too much reliance upon the wisdom and the justice of England and France to suppose that either of the crowned heads of those two nations will occupy any other than positions of the most decided neutrality with reference to the difficulties between Mexico and herself; and should this proposition of annexation not be acceded to by this government, she confidently expects at the hands of every civilized nation of Europe the honours of a recognition as a preliminary step to the formation of treaties of Amity and Commerce.

"In reviewing the interests of the two Republics, involved in this question of annexation, the undersigned cannot concede that the United States encounters an equal sacrifice with the people of Texas. Texas brings to this negotiation not only the resources already recapitulated, but her sovereignty. She brings too that which, in the eyes of the naval powers of Europe, will constitute the material ground for the formation of the most liberal commercial treaties, viz., her immense forests of live oak, comprising, according to the estimate of President Houston, in his Message of the 5th May, 1837, 'four-fifths of all that species of timber now in the world.' She brings, too, a market for all the various manufactures and for all the agricultural products of the United States, excepting those of cotton and sugar, and these she will contribute from her own soil to swell the already colossal amount of the exports of this nation. The territory, and with it the enterprise of the country, will be extended; her political power will be increased, and the undersigned trusts that he will not be considered intrusive in expressing his deep conviction that the union of these States will be strengthened by the annexation of a people whose proudest impulses are for its continuance and glory.

"What advantages the United States brings to this nego-

tiation the undersigned will not presume to suggest. Her immense resources, her splendid fleets, her power to raise armies, her magnificent government, her unexampled career of prosperity, her incomparable administration of justice, and, finally, all her attributes of greatness, are sources of as much congratulation to the people of Texas as they can possibly be to herself. What Texas wishes at the hands of the government of this Union is simply annexation, an amalgamation of flags; and the undersigned assures the Honourable the Secretary of State that this is the solitary advantage which he seeks to gain in this negotiation, but which he begs leave to say he hopes to accomplish upon the high principle of a strict adherence to the just rights and dignity of the sovereignty of the Texan nation.

"The undersigned will not conceal from the Honourable the Secretary of State his apprehensions that any delay in the conclusion of the treaty of annexation may be fatal to its ultimate accomplishment. Diplomatic relations with foreign powers are now in the progress of being established, and the result of these interchanges will be commercial treaties, involving difficulties which may be insurmountable in any subsequent arrangement of the question; and, therefore, the undersigned is especially instructed to urge, with as little delay as possible, the immediate discussion and negotiation of a treaty of annexation. Texas is not disposed to yield to any foreign nation the privileges of her coast, involving the command of the Gulf of Mexico, nor can she concede them to the United States, unless in a treaty of Union. As an independent power, her interests would conflict with those of the United States; and without annexation, her struggle in the formation of commercial treaties would most naturally be directed to the establishment of the principle of a preference of her cotton and other products in foreign markets over those of the United States; and such relations, when once established, would, it will be at once perceived, very much embarrass, if not render totally impracticable, a treaty of annexation.

"It is a matter not to be disguised, that Texas must chiefly people her extensive domain from the United States,

With a soil better adapted to the cultivation of cotton and sugar than that of this country, and with all the benefits of commercial treaties concentrated upon the advancement of these two interests, she would present herself as a powerful rival to the agriculture of this Union. With the same political institutions, a cheaper soil, and superior advantages to the cotton and sugar planter, she would drain this country of much of its most valuable labour and population, but whether to such an extent as seriously to affect the interests of the United States, the undersigned will not presume to suggest. Texas, too, as an independent nation, must, in the regulation of her land system, present, in the cheapness of her prices, the highest inducements to emigration, and will, no doubt, soon claim the attention of that Trans-Atlantic enterprise and capital which now flow into the United States.

"The undersigned begs leave most respectfully to suggest to the Honourable the Secretary of State, that, in the event of Texas remaining in the attitude of an independent power, there will arise, from the very strict resemblance of the people and the institutions of the two countries, many questions of conflicting interest, the adjustment of which will be most difficult and painful. It would be impossible for the people of Texas to regard those of the United States in the character of foreigners, and separated from one another by only an imaginary line. It may fairly be predicted that the local authorities of the two powers would come into frequent and violent collision. The administration of the law would be interrupted, or its penalties evaded; and, in the general entanglement of jurisdictions upon the frontier, it is feared that public justice would not be well sustained. It would be impracticable for either power to enforce its revenue system; and should the tariffs of the two countries differ essentially, as must be the case, nothing but the enforcement of the most cruel and unpopular laws could possibly secure the just collection of custom-house duties.

"The undersigned, in discussing this question, begs to call the attention of the Honourable the Secretary of State to the fact, that the annexation of Texas would ensure to the United States the complete command of the Gulf of Mexico. There

is no point on the whole coast of that magnificent sea more admirably suited to the purposes of a naval depôt than Galveston; and, situated as it is, in the midst of interminable groves of live oak, ships of war might be built and equipped for sea, as it were within sight of the very forests out of which they were constructed. This country having already a vast interest to protect on the shores of the Gulf of Mexico, the concentrated trade of the west, at New Orleans, of Alabama, at Mobile, and of the Florida cities, would find in the possession of Texas the means of occupying a position of decided supremacy over the waters of the gulf; and it is questioned whether even the possession of Cuba would bring with it those facilities of controlling and keeping in check the pretension of a rival power, which would accrue from the extension of the limits of the United States to the line of the Rio del Norte.

"It is most respectfully suggested whether the annexation of Texas would not contribute to ensure the peace of the Indian frontier of the two countries, and thus extend to the farthest south-west the boundaries of civilization, and the protection and privileges of order and good government. By her admission into the Union, the present south-western States could be easily protected from the numerous tribes of the Comanches and other savages now accumulated on their frontier; and it is questioned whether anything would so impress the minds of the Indian warriors with a sense of our power as the union of two people, whom, even divided and single-handed, they found to be invincible in arms.

"The undersigned most respectfully represents to the Honourable the Secretary of State, that in this paper he does not presume to have presented all the inducements to the Union of the two Republics. He has not thought it respectful to trespass upon the attention of the Honourable the Secretary of State, either by an extended detail of the resources of Texas, or of the mutual benefits involved in a treaty of annexation. The mineral wealth of the country, comprising valuable mines of silver and lead, immense strata of iron and coal, and salt springs in great abundance, has not been properly appreciated. Nor has the undersigned

thought it necessary to allude to the immense fur trade which would be thrown into the lap of the enterprise of the United States by the annexation of Texas. The great aid and facilities which Texas, as an integral part of the Union, might render to the adventurous traders, who, in caravans, penetrate from Missouri to Santa Fé, and in general to the inland trade of the United States, with the countries bordering on the Pacific, have all been left unexplained; and the undersigned throws himself upon the courtesy of the Honourable the Secretary of State in desiring him to believe that, as he has not entered into any of the details of such a treaty of annexation as Texas might propose, but confined himself to the submission of the proposition itself, so he has not thought fit to discuss severally all the various interests involved, but merely has subjected them to a general, and, he trusts, a candid review.

"In closing this paper, the undersigned appeals to the Honourable the Secretary of State, and referring him to the details of the history of the Texan revolution herein set forth, asks, in the name of national honour, humanity, and justice, if a nation whose career has been marked, like that of Mexico, by a constant violation of the most solemn treaty obligations, by a series of the most licentious revolutions, by a most shameful prostitution of the lives, liberties, and the property of her people, and, in short, by every act of perfidy and cruelty recorded in the history of barbarians, has not thereby forfeited all claims to the respect of the governments of civilized nations? Look to her continued interruptions of the peaceful citizens of Texas, industriously engaged in the improvements of their estates and in the actual aggrandizement of the Mexican empire; to her demolition by military force of the constitution of 1824; to her bloody war of extermination under President Santa Anna; to her butchery of those gallant Texans who surrendered their arms under the sacred flag of a capitulation in which their lives were guarantied; and pronounce if the enormity of her misdeeds entitles her to be any longer considered, the undersigned will not say a nation of responsibility, but even humanity. The undersigned, however, forbears to

continue this appeal, so irrelevant, and perhaps so unnecessary, to the due consideration of the subject under discussion.—The world will do ample justice to the magnanimity of Texas, in forbearing to visit upon the heads of the recreant tyrant and his captured host that retaliation which their offences against the laws of nations and the rights of mankind so signally deserved.

"In conclusion, the undersigned most respectfully begs leave to congratulate the Honourable Secretary of State upon the spectacle exhibited in this discussion, and which is so honourable a commentary upon the excellence of the government of this country, viz., a sovereign, free, and warlike people, fresh from the fields of their own victories and glory, seeking to surrender their nationality as the price of a place among the United States, to become participants of the wisdom of its laws, and the renown of its arms."

Mr. Forsyth communicated the decision of the President * respecting the proposition submitted by the Texan envoy, on the 25th of August.

"In giving to the undersigned instructions to present, in reply, a prompt and decisive indication of the course it has been deemed necessary to adopt, the President indulges the confident expectation that no unfriendly spirit towards the government or the people of Texas will or can be imputed to the United States.

"Neither the duties nor the settled policy of the United States permit them to enter into an examination of the accuracy of the historical facts related by General Hunt, nor to allow them, if even admitted to be correct, to control the decision of the question presented by him. The United States were foremost in acknowledging the independence of

* Although Mr. Van Buren was personally in favour of Texan annexation, it was not a measure of his administration—which was formed on principles of compromise—he being "a Northern man with Southern opinions." Those opinions were favourable to a liberal system of trade; he was consequently a real promoter of peace with England.

Mexico, and have uniformly desired and endeavoured to cultivate relations of friendship with that power. Having always, since the formation of their government, been exempt from civil wars, they have learnt the value of internal quiet, and have consequently been anxious yet passive spectators of the feuds with which their neighbour has been afflicted.* Although in the controversy between Texas and Mexico, circumstances have existed, and events have occurred, peculiarly calculated to enlist the sympathies of our people, the effort of the government has been to look upon that dispute also with the same rigid impartiality with which it has regarded all other Mexican commotions. *

"In determining with respect to the independence of other countries, the United States have never taken the question of right between the contending parties into consideration. They have deemed it a dictate of duty and policy to decide upon the question as one of fact merely. This was the course pursued with respect to Mexico herself. It was adhered to when analogous events rendered it proper to investigate the question of Texan independence. That inquiry was made with due circumspection, and the result was not arrived at until its probable consequences had been accurately weighed. The possibility of a collision of interests, arising, among other causes, from the alleged superior aptitude of the climate and soil of Texas for the growth of some of the staples of the United States, was not overlooked. A sense of duty and a reverence for consistency, however, it was considered, left this government no alternative, and it therefore led the way in recognising Texas. A hope was certainly entertained that this act, and the motives that conduced to it, even if no other considerations were to have influence, would point out to the Government of Texas the propriety not only of cherishing intimate and amicable relations with this country, but of abstaining from other connexions abroad which might be detrimental to the United States. Apart from this, however, it was presumed that government would enter upon the execution of the intentions intimated by its Envoy Extraordinary, with respect to connexions with foreign powers, with a full understanding of

the just and liberal commercial stipulations existing between the United States and other nations. A pervading principle of those compacts is impartial treatment of the citizens, vessels, and productions of the parties in their respective territories. As it was not to be believed that the commercial allies of the United States would swerve from their engagements, no apprehension was felt that the interests of this country would suffer from the arrangements which Texas might enter into with them.

"The question of the *annexation* of a foreign independent State to the United States has never before been presented to this government. Since the adoption of their constitution, two large additions have been made to the domain originally claimed by the United States. In acquiring them, this government was not actuated by a mere thirst for sway over a broader space. Paramount interests of many members of the confederacy, and the permanent well being of all, imperatively urged upon this government the necessity of an extension of its jurisdiction over Louisiana and Florida. As peace, however, was our cherished policy, never to be departed from unless honour should be perilled by adhering to it, we patiently endured for a time serious inconveniences and privations, and sought a transfer of those regions by negotiation, and not by conquest.

"The issue of those negotiations was a conditional cession of these countries to the United States. The circumstance, however, of their being colonial possessions of France and Spain, and therefore dependent on the metropolitan governments, renders those transactions materially different from that which would be presented by the question of the annexation of Texas. The latter is a state with an independent government, acknowledged as such by the United States, and claiming a territory beyond, though bordering on the region ceded by France in the treaty of the 30th of April, 1803. Whether the constitution of the United States contemplated the annexation of such a State, and if so, in what manner that object is to be effected, are questions, in the opinion of the President, it would be inexpedient, under existing circumstances, to agitate.

"So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texan Minister Plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part, so long as it can be reasonably hoped that Mexico will perform her duties and respect our rights under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico; a disposition wholly at variance with the spirit of the treaty, with the uniform policy and the obvious welfare of the United States.

"The inducements mentioned by General Hunt, for the United States to annex Texas to their territory, are duly appreciated; but powerful and weighty as certainly they are, they are light when opposed in the scale of reason to treaty obligations and respect for that integrity of character by which the United States have sought to distinguish themselves, since the establishment of their right to claim a place in the great family of nations. It is presumed, however, that the motives by which Texas has been governed in making this overture, will have equal force in impelling her to preserve, as an independent power, the most liberal commercial relations with the United States. Such a disposition will be cheerfully met in a corresponding spirit by this government. If the answer which the undersigned has been directed to give to the proposition of General Hunt should unfortunately work such a change in the sentiments of that government as to induce an attempt to extend commercial relations elsewhere, upon terms prejudicial to the United States, this government will be consoled by a consciousness of the rectitude of its intentions, and a certainty that although the hazard of transient losses may be incurred by a rigid adherence to just principles, no lasting prosperity can be secured when they are disregarded."

The Texan minister addressed another communication to Mr. Forsyth on the 12th of September, from which I take the following extracts:

"The venerable ex-president General Jackson was so strongly impressed with a belief, at one time during his administration, that the negotiation then pending for the acquisition of Texas would be brought to a speedy and favourable issue, that he tendered the office of Governor of the Territory of Texas to the late Governor H. G. Burton, of North Carolina, to be entered upon so soon as the treaty of cession should be completed. See a publication on the subject of Governor Burton's appointment. The same principles, it appears to the undersigned, were involved in the negotiation for the acquisition of Texas from Mexico, previously to the recognition of the independence of the latter by Spain, which are now presented by the question of the annexation of Texas to the United States previously to the recognition of *her* independence by Mexico; and had his Excellency the President of the United States entertained any inclination to negotiate a treaty for the annexation of Texas—a hope which had been fondly cherished, as he had expressed a determination to carry out the measures and conform to the general policy of his venerable predecessor—it does appear to the undersigned, but with distinguished deference to the Honourable Mr. Forsyth's opinions to the contrary, that neither a sense of duty, nor the settled policy of this government, during the administration of the venerable ex-president, would have prevented an examination into the accuracy of the historical facts accompanying the proposition. That brief compendium, which is believed to be correct, will show that there is as little prospect of the recovery of Texas by Mexico at this time, as there was of the reconquest of Mexico by Spain at the time that General Jackson believed that the *chargé d'affaires* (Mr. Butler) of this government had succeeded in negotiating the acquisition of Texas. If the act of the annexation of Texas would involve the United States in a war with Mexico at this time, the undersigned is at a loss to perceive why a similar result was not anticipated with Spain in event of a cession of Texas

by Mexico. Texas asked nothing more of the United States, in proposing to negotiate for her annexation, than the United States had previously desired of Mexico, when General Jackson was at the head of this government—for Mexico was then as much at war with Spain as Texas now is with Mexico—and it is believed that as friendly treaty and commercial relations existed between Spain and the United States at that time as are now maintained between the United States and Mexico.

"In addition to the fact that this government, when administered by the sage of the Hermitage, proposed the acquisition of Texas by purchase from Mexico, many years before the recognition of her independence by Spain, the undersigned most respectfully invites the attention of the Honourable the Secretary of State to the report of the House of Representatives of the State of Mississippi, contained in a newspaper which he herewith presents. That report, which is said to have been adopted unanimously, alludes in strong terms to the subject of the right of this government to admit Texas into its confederacy; and the undersigned refers to it thus particularly, that he may be sustained by high authority when he assures the Secretary of State of the United States, that, in submitting the proposition of annexation, it was far from his intention to ask the government of the United States to accede to a measure which Mr. Forsyth was instructed to say was believed to involve unjust principles. The undersigned assures the Secretary of State of the United States, that he could not knowingly consent to be the medium of presenting any proposition asking of the United States a disregard of just principles.

"After the assurance of the Honourable Mr. Forsyth, that a sense of duty and a reverence for consistency left his government no alternative in leading the way in recognising the independence of Texas, the undersigned confesses some surprise at the intimation of Mr. Forsyth, that the circumstance of her having been *first* recognised by the United States should in any manner influence the foreign intercourse of Texas. However much the government of Texas may be disposed to encourage the most friendly relations with the government of the United States, the undersigned

assures the Honourable the Secretary of State, that the government of Texas does not consider that any particular foreign policy was implied or made binding upon her by the circumstance of her independence having been first recognised by the government of the United States. The representatives of Texas, in their interchanges with foreign powers, will not accept the recognition of her independence, unless it is unconditional in this respect. In all their negotiations and treaties with foreign powers, the best interests of their own government and people will doubtless be consulted, and must indicate the policy which they will be directed to adopt. With even the same permanent policy in its commercial interchanges with the United States, which may exist with the most favoured nation, the undersigned cannot guarantee for his government that any advantages shall accrue therefrom to the manufacturing interest of the United States; for it is understood that that great interest is mainly sustained in the United States by the protection afforded by high duties against the competition of similar interests in foreign nations, where labour and the facilities for manufacturing are more available, and at cheaper rates. Such being the case, it is apparent that, even should no detriment accrue to the manufacturing interest of the United States from the vicinity of Texas as an independent nation, certainly no advantages affecting that interest can be anticipated.

"The apprehension of the Honourable Mr. Forsyth, that the refusal of this government to negotiate for a treaty of annexation, thereby declining all the commercial and other advantages which would be secured by that measure, may induce an attempt on the part of the government of Texas to extend its commercial relations elsewhere on terms most favourable to its own welfare and prosperity, is perfectly natural; but the undersigned assures Mr. Forsyth that such endeavours will not proceed from any unkind feelings to the government and people of the United States; and he would take this occasion to reiterate the friendly disposition of the government and people of Texas towards the government and people of the United States, which he had the honour

to communicate in his note of the 4th of August. Should, however, the foreign commercial and other relations of the Republic of Texas necessarily become such as seriously to affect the interests of the United States, or any portion thereof, the undersigned conceives that it would be unreasonable for the government and people who had been freely proffered all she could bestow, and yet declined the offer, to complain of her on the ground of looking to her own interest primarily. Texas has generously offered to merge her national sovereignty in a domestic one, and to become a constituent part of this great confederacy. The refusal of this government to accept the overture must for ever screen her from the imputation of wilfully injuring the great interests of the United States, should such a result accrue from any commercial or other regulations which she may find it necessary or expedient to enter into with foreign nations.

" Should it be found necessary or expedient hereafter, for the proper promotion of the interests of her own citizens, to lay high duties upon the cotton-bagging so extensively manufactured in the western States, and upon the pork and beef and bread-stuffs so abundantly produced in that region, such as would amount to an almost total prohibition of the introduction of those articles into the country, much as her government and people would regret the necessity of the adoption of such a policy, she would be exculpated from the slightest imputation of blame for taking care of her own welfare and prosperity after having been refused admission into this Union.

" The efforts which the government of the undersigned is making to open a commercial intercourse with Great Britain and France, it is believed will succeed. Apart from the disposition of those two powers to avail themselves of the great advantages which must result to every nation with which Texas may form intimate commercial relations, it is believed that they, as well as the United States, cherish a liberal sympathy for a people who have encountered the most cruel treatment at the hands of Mexico.

" Reason would seem to indicate that the foreign policy of Texas will be dissimilar to that of the United States

Texas is now, and it is believed will continue to be, an almost purely agricultural country. The agricultural interest will claim the almost exclusive attention of the government: possibly from the circumstance of her climate and soil being so well adapted to the growth of hemp, and the great demand for rope and bagging in a cotton-growing country, the manufactures of these solitary articles may be encouraged at an early period; but with these single exceptions, it is not apprehended that the capital and labour of the country can be so profitably employed in any other species of industry as in the planting interest. On the other hand, the interests of the United States are numerous and greatly diversified; and it is presumed that it was found necessary to establish such a foreign policy as would best reconcile them and redound to the advantage of each.

"With the most rigid adherence to whatever is just and right, the government of Texas will naturally pursue such a course of policy, foreign and domestic, as will best conduce to the increase of her wealth and population, and thereby her national power and consideration. In its intercourse abroad, it will endeavour to find those markets where her agricultural products, cotton, sugar, rice, tobacco, &c., will obtain the highest prices, and where such articles as may be needed for home consumption may be procured at the lowest rates. If these advantages are presented in the commercial intercourse with the United States, the undersigned need not say that the warm predilection of the government and people of Texas for the government and people of the United States would render such an intercourse as agreeable to the former as it would doubtless be advantageous to both.

"The undersigned most respectfully assures the Honourable Mr. Forsyth, and through him his Excellency the President of the United States, that the prompt and decisive rejection of the proposition for the annexation of Texas to the United States will not be imputed to an unfriendly spirit to the government and people of Texas."

Notwithstanding the belligerent position assumed towards Mexico by the United States, diplomatic

relations between the two countries were renewed in the autumn of 1837, and a Mexican minister (Martinez) despatched to Washington. Reports and claims were interchanged by this functionary and the American Secretary of State, accompanied by reciprocal assurances of a desire to arrive at an amicable arrangement of pending differences. No satisfactory arrangement was, however, made before the meeting of Congress in December, when the President, after a "careful examination" of documents, and "considering the spirit manifested by the Mexican Government," said it had become his painful duty to return the subject as it then stood to Congress, to whom it belonged "to decide upon the time, the mode, and the measures of redress."

The message of President Houston to the Texan Congress, delivered on the 21st of November, 1837, intimated that the relations between Texas and the United States had undergone no change subsequent to the correspondence between General Hunt and Mr. Forsyth, of which I have given ample extracts. The President stated that it had now become the duty of Texas to pursue such a course of policy and legislation as would at once command the respect and confidence of other nations, and secure its internal safety and prosperity. A fair and liberal policy ought to be extended to all nations that might desire to establish commercial relations with the country, or introduce their fabrics or commodities into it. A Chargé d'Affaires (Mr. La Branche), duly accredited from the United States, had been received at the seat of government, and it was believed that the most friendly understanding would

be established and prevail between the two countries. In this Message, the President mentioned, in condemnatory terms, the unauthorized seizure of the "Eliza Russell," an English brig, which he had ordered to be released, and damages paid. "The circumstances of the case," he added, "were immediately communicated to the Commissioner of the Republic to England; and it was probable that the despatch would reach that country by the time of his arrival."

The proposed annexation of Texas to the North American Union had evoked a powerful opposition in the northern and middle States. The pecuniary resources of the manufacturing interest—the activity of the Anti-Slavery party—the energy of the Northern delegation in Congress, which discovered in the proposition an extension of Southern and Anti-Tariff influence, that must bear them down unless they could obtain a counterpoise of territory in British North America, were all arrayed against the acquisition of a country anxiously sought by the government of the United States, in various modes of negotiation, from 1805 to the 4th of March, 1837. A vast number of remonstrances, memorials, and petitions against annexation were presented to Congress, "characterized," it was said, "in almost every instance, by a very exalted temper."* The legislatures of the States of New York, Vermont, Massachusetts and Ohio called upon Congress to reject the measure, and loudest in opposition was Mr. John Quincy Adams, who "had hardly ascended

* Speech of Mr. Preston, in the Senate of the United States, April 24, 1838.

the Presidential chair (in 1824) before he assiduously addressed himself to the task of repairing the injury he had inflicted upon the country by the treaty of 1819, in the making of which (as Secretary of State) it has since been understood, he was the *reluctant* agent."*

The violent character of the Northern hostility to the measure of annexation, and the vituperative terms too frequently applied to the people of Texas, tended greatly to abate the desire of the latter for the contemplated union.

On the 24th of April, 1838, Mr. Preston, of South Carolina, submitted to the Senate of the United States the following resolution:—

"Whereas the just and true boundary of the United States, under the treaty of Louisiana, extended on the southwest to the Rio Grande del Norte, which river continued to be the true boundary line until the territory west of the Sabine was surrendered to Spain by the treaty of 1819: And whereas such surrender of a portion of the territory of the United States is of evil precedent, and questionable constitutionality: And whereas many weighty considerations of policy make it expedient to re-establish the said true boundary, and to annex to the United States the territory occupied by the state of Texas, with the consent of the said state:

"*Be it therefore Resolved*, That, with the consent of the said state previously had, and whenever it can be effected, consistently with the public faith and treaty stipulations of the United States, it is desirable and expedient to re-annex the said territory to the United States."

This resolution, based upon such untenable ground as the re-assertion of a territorial claim that

* Speech of Mr. Preston.

had not only been disputed by Spain, but solemnly relinquished by the United States, was ably, though of course unsuccessfully advocated by its mover, who hinted that the anti-slavery opposition was only a cover for other objects.

"But for the great respect," said Mr. Preston, "which I have for the States which have taken ground on this subject, I should be disposed to suspect that the idea of checking the extension of domestic slavery was but a hollow and hypocritical pretext, to cover political designs. The slave-holding population and the slave-holding political communities may be multiplied by the proposed acquisition of territory; but I do not see that slavery, or the number of slaves, can be increased by it. Under the mild condition of Southern slavery, the negro population increases at a greater ratio than that of the whites throughout the Union, augmented as the latter is by the accession of foreigners. To this natural increase, your laws, making the introduction of slaves a felony, forbid any addition. Extend the territory as you may, you can have only those you now have, and their natural increase. They may be diffused over a wider surface, intermingled with a larger free population, but not one additional slave can be made."

During the agitation of the fierce sectional controversy regarding Texas in the United States, the Foreign Minister of England did not remain indifferent to the question at issue. On the 12th of April, 1837, Mr. Crawford, British Vice-Consul at Tampico, arrived at Columbia, on the Brazos, accompanied by several of the officers of the brig-of-war "Racer," Commander Hope, for the purpose of investigating the civil and political condition of the country, and reporting to Lord Palmerston. On the 23rd of April, 1838, Mr. Jones, of Brazoria, introduced the following "Joint

resolution" into the House of Representatives of Texas.

"Whereas the citizens of the Republic of Texas, at their election of President and other officers, in the year 1836, expressed an almost unanimous desire to become annexed to the United States of North America; in consequence of which expression, a proposition for annexation was made, through our minister resident at the city of Washington, which proposition, after having been duly considered, has been distinctly and unconditionally refused by that government, and for reasons which it is impossible for time or circumstances to invalidate or alter: and whereas it is believed that Texas, having interests at variance with those of a large portion of the United States, and having also demonstrated her ability for self-government, and for successfully resisting the efforts of her imbecile enemy to subjugate her, and now trusting, as a wise policy dictates, to her own strength and resources, no longer desires such annexation: and whereas it is a fact that, pending this hopeless negotiation, the recognition of the independence of Texas by England and other powers, so essential to our welfare, is delayed or prevented—

"Be it resolved by the Senate and House of Representatives of Texas, in Congress assembled, that his Excellency the President be authorised and required, so soon as he may think proper, to instruct our minister resident at Washington respectfully to inform the government of the United States of North America, that the government of Texas withdraws the proposition for the annexation of Texas to the said United States."

This resolution was approved by the House of Representatives, and was all but carried in the Senate—the majority against it being only one—Ayes 13, Noes 14. Extracts of a letter from the Texan diplomatic agent in London were read by a member of the Senate, which acknowledged friendly

dispositions on the part of the British government towards the Republic, whose ability to maintain its independence was, however, doubted. That independence could not, at all events, be recognised so long as Texas continued to request annexation to the United States. In the latter country, the speaker observed, there were interests that clashed with those of the young Republic. The same speaker read several passages of a speech by the Hon. John Quincy Adams, upon the subject of the annexation of Texas to the United States, to show the feeling upon the subject north of the Potomac.*

On the 21st of March, 1838, an ultimatum, in relation to the claims of France for reparation of injuries, was transmitted by the French minister, on board the frigate "L'Hermione," at Vera Cruz, to the Mexican government. Redress was demanded for "plunder and destruction of property on the part of the people, and on the part of contending factions in time of civil commotion; for forcible loans, collected by violence, and for refusal of jus-

* Dr. Channing's Letter to the Hon. Henry Clay shows the strong sectional feeling entertained by even a philosophic religionist of the North with regard to the extension of Southern influence by the annexation of Texas to the United States. The Doctor, after assuming the truth of the most absurd calumnies against Texas, complains that Northern "commerce and manufactures have sometimes found little mercy at the hands of the South. We cannot consent," he says, "that our confederation should spread over the wilds of Mexico, to give us more powerful masters. The old balance of the country is unfavourable enough." It was not *all* anti-slavery enthusiasm with the eminent Bostonian The leaning of the South towards British manufactures, in preference to the forced products of New England, had its full share in the Doctor's expostulatory warmth.

tice, or arbitrary decisions, iniquitous and offensive to the security of person and property, resulting from administrative authority, military or judicial." A blockade of the Mexican coast followed this demand in May, and the hostilities which ensued liberated Texas from the apprehension of invasion. A convention for running the boundary between Texas and the United States was signed at Washington on the 25th of April, and on the occasion of exchanging the ratifications of this convention, at a subsequent period, the application for the admission of Texas into the Union was withdrawn. The diplomatic note of the Texan minister (the Hon. Anson Jones) to Mr. Forsyth, stated that, although the question of annexation "had been considered by the United States' government as finally disposed of, yet, inasmuch as the impression appeared still to remain upon the public mind, in both countries, that the proposition was still pending, he (Mr. Jones) had been instructed by his government to communicate to that of the United States its formal and absolute withdrawal." The withdrawal was the act of President Houston, which was approved and ratified by a joint resolution of the Congress of Texas, dated January 23rd, 1839.

There were, even in the North, some who did not regard, without dissatisfaction, the retirement of Texas upon her own resources, which they attributed to the doubts and difficulties raised by the American manufacturing interest, and the obvious benefits to be derived from a treaty with England, to which nation, it was said, Texas, as an independent state, would afford vast advantages. It would open a

direct market for an immense amount of her manufactures, and an indirect outlet, through Mexico and the navigable rivers of the United States—the Indians would be supplied at a low tariff, and cotton and other products taken in exchange. In other respects, also, it would strengthen the power and influence of England. By an early alliance with Texas, that country, having on the borders of the United States a long line of territory, reaching from Nova Scotia and Upper and Lower Canada, almost to the Rocky Mountains, to the north and north-west, would exercise a direct commercial and political influence from the Atlantic to the Pacific, on the line of the Rio Grande; and would thus nearly encompass the whole Union with her territorial arms, extracting the wealth of the Mexican mines, improving communications to the heart of Mexico, and finally possessing the great key to the Pacific, and the commerce of the Indies, by a ship canal across the Isthmus of Darien. In this manner, it was alleged, England would be rendered greater than the United States, in influence as well as territory, on the American continent; and this had been done from sheer jealousy of Northern politicians of augmenting the power of the South. Not content with this distrust of the South, opposition to Texas had been strengthened by a "vile appeal to passion and fanaticism," and "ministers of the gospel had been permitted to mount the pulpit, and fulminate denunciations against Texas and the interests of the South. And what was the excuse? 'It was necessary to keep the Union together. Texas would have divided the Union.' Was not the

period of separation fearfully accelerated by making Texas a sovereign and independent power, with such an ally as England?"

The question of Texan annexation, or independence, presented an embarrassing dilemma to those who wished, by means of protective duties, to secure a monopoly of the home market for American manufactures. If the United States extended their southern wing to the Rio Grande, the anti-tariff party would gain a preponderance most favourable to England. On the other hand, if Texas were independent, she might force the whole American continent into the adoption of free trade principles, which would be still more conducive to British aggrandisement, as it would "tranquillize her restless population by constant occupation, and, by returning a superabundance of raw material, in exchange for her fabrics, enable her to undersell the world."

CHAPTER III.

Cherokee Indians—Presidential Election—Policy of President Lamar's Administration—Education--Laws--Tariff -Banking—Grants to Settlers—Indian Irruptions and Designs—Expulsion of the Cherokees — Trade with the Mexicans — Mission to Mexico—French diplomatic Agent in Texas—Arrival of Admiral Baudin at Galveston—Appointment of General Hamilton and Mr. Burnley to negotiate a Loan—Recognition of Texan Independence by France — Presidential Message — State of Mexico—Treaty between England and Texas.

For the purpose of furnishing a clear consecutive statement of the events and transactions detailed in the preceding chapter, I have been obliged to depart from chronological order, from which, indeed, I have more than once had occasion to deviate for the like reason. The course of the narrative still lies within the period of General Houston's administration, which, according to a provision of the Constitution restricting the first Presidential term to two years, commenced in 1836, and was to terminate in 1838.

Defensive preparations, the settlement of land titles, measures of finance, and Indian feuds and negotiations, chiefly occupied the Texans during 1837-38. To many of the settlers the policy of President Houston with regard to the Cherokees and other north-eastern tribes gave great dissatisfaction. It appears by the Journal of the Consultation of Texas, held at San Felipe, October 16th,

1835, that the delegates assembled in Convention had declared on the 13th of November—"That the Cherokee Indians and their associate bands had derived their just claims to lands, included within a district lying north of the San Antonio road and the Neches, and west of the rivers Sabine and Angelina, from the government of Mexico, from which the declarants had also derived their right to the soil—by grant and occupancy." The Consultation further declared that they would guarantee to said Indians the peaceable enjoyment of their rights to these lands, pronouncing all grants, surveys, and locations within the specified bounds null and void, and calling on the Commissioners who had issued the same to recall and cancel them, as having been made upon lands already appropriated by the Mexican Government.* Upon the basis of this declaration, three Commissioners, of whom General Houston was one, had been deputed to negotiate a treaty with the parties indicated.

Bowles, the Cherokee chief, the offspring of an Indian woman by a Scottish father—a shrewd, intelligent man—had made strenuous endeavours to obtain for the tribes a grant of the lands they occupied. Almonte's Report establishes the fact that, at the close of 1834, Bowles and his colleagues had not succeeded in their application—the petition being at that time only on its way to the Mexican Government. It was obviously the policy of Mexico to hold out the inducement of a land grant to

* Since a previous allusion to this subject, I have procured the Journals of the Consultation.

the Indians, in order to obtain their co-operation against the Colonists, but no evidence has been adduced of the perfecting of such a grant. The declaration of the Consultation, therefore, in the absence of a Mexican title, was deemed inoperative by most of the Texans, who also held that the Consultation, in framing the declaration, had exceeded their powers, which were not plenary.

General Houston, who had been mainly instrumental in obtaining the pledge from the Consultation, accompanied by Mr. Forbes of Nacogdoches, met Bowles, Big Mush, and some other chiefs, delegated by the Indians, on the 23rd of February, 1836, at the Cherokee village, and concluded a treaty. By this treaty, the Cherokees and their associate bands were to receive a fee-simple title to all the land lying "west of the San Antonio road, and beginning on the west at the point where the said road crosses the river Angelina, and running up said river until it reaches the mouth of the first large creek below the great Shawnee village, emptying into said river from the north-east. Thence running with said creek to its main source, and from thence a due north line to the Sabine, and with said river west; then, starting where the said San Antonio road crosses the Angelina, and with said road to where it crosses the Neches, and thence running up the east side of the river, in a northwesterly direction." The Convention at Washington, which declared the independence of Texas and framed the Constitution, refused to accept this treaty, of which nothing more was heard until the elevation of General Houston to the Presidency, when he pressed its adoption with all the weight of execu-

tive influence. It was, however, formally rejected by the Senate, in secret session, on the 16th of December, 1837.

In the mean time, the Cherokees had opened negotiations covertly with the Mexican Government, and had, according to official documents filed in the State department of Texas, concluded an agreement by which they were to have, not only the territory comprised in the stipulations of 23rd February, 1836, but concessions much more extensive, provided they succeeded in ejecting the Anglo-Mexicans from the country. Still, President Houston contended that these Indians were entitled to an absolute fee-simple of their lands, and used every exertion to obtain a ratification of their claims. Whether or not the grant of the lands would have secured the fidelity of the Cherokees and their associates, as the President believed, I am unable to say; but it was ere long discovered, that they had formed a league with the Mexican population about Nacogdoches to attack simultaneously the Anglo-American inhabitants. For the accomplishment of this design, a considerable quantity of arms and ammunition had been procured, and numbers of Cherokees, Creeks, and Seminoles invited from the United States into Texas. An accident defeated the plot. Some horses having been stolen by the Indians, their owners followed in pursuit, and traced the spoilers of their property to the general rendezvous in a swamp on the Angelina. The citizens of eastern Texas flew to arms, and a force under General Rusk dispersed the Indians and drove the revolted Mexicans out of the country.

In the hope of quieting the Indians, President

Houston, in opposition to general opinion, ordered Colonel Horton to run the Indian boundary line, according to the terms of the unconfirmed treaty of February, 1836. Thus affairs stood between the people of Texas and the north-eastern Indians at the close of General Houston's Presidency.

In a Message to Congress, dated November 19th, 1838, the President stated that he had received no official notice of the running of the Indian line, which was in progress, having been completed, and then proceeded to specify the claims of the north-eastern tribes, and to urge the concession of the lands on the joint grounds of equity and prudence. He observed that the right of the Indians to land had been recognised by the Convention at San Felipe in 1832-3, and that the Convention of March 1836, invested with plenary powers, had generally sanctioned and confirmed all the acts of the Consultation, as well as those of the General Council of Texas. Under these circumstances, he deemed himself warranted to direct the running of the line, and upon this impression he had acted, and not, as had been alleged, because he was "willing to sacrifice principle to expediency."

"Since the ratification of the acts of the Consultation and General Council by the Convention at Washington, and since all locations, surveys, and grants not made previous to the location of the Cherokees within the territory designated, were declared null and void, and directed to be cancelled, the executive has been assured that upwards of 300 leagues of land have been located in said territory.

"Notwithstanding these facts, the Indians, relying upon the faith of the government and the pledges of the executive that justice should be done them, have remained peaceable,

and now the line having been run, and the measures of the executive are sustained by Congress, the friendship of the Indians will be confirmed. If they should not be sustained, the President will feel himself perfectly vindicated in the assurance that he has pursued and recommended that policy which alone can save eastern Texas from ruin, and the country generally from imminent danger."

Several individuals had been killed by the Indians on the waters of the Brazos, and many disasters of a similar character had occurred during the year.

"The great anxiety of our citizens to acquire land induced them to adventure into the Indian hunting grounds in numbers not sufficient for self-protection, and inasmuch as they met with no serious opposition in the commencement of their surveying, they were thrown off their guard, which afforded the Indians an opportunity of taking them by surprise, and hence they became victims to their own indiscretion and temerity. The executive anticipating the consequences that would result from penetrating into the Indian hunting-grounds to a distance where they could not possibly be aided from the settlements, used every endeavour within his power to prevent such a course. His personal remonstrances were insufficient to control the determination of those whose opinions set at naught admonitions that could not be legally enforced. The Indians, by gaining partial advantages, were induced to form more numerous associations, that have rendered them formidable; and occasionally acquiring spoil, have since then been induced to advance upon the settlements in marauding parties, whilst the circumstance of continuing to survey within their hunting-grounds so much exasperated their feelings, that their invasions have become formidable on our frontier. It is not confined to any particular section, but is carried on more or less from the Rio Frio to the Red River.

"With regard to protecting the surveyors by an armed force, the President did not consider the government justified in employing public funds in aid of private speculation.

The system of surveying and locating lands had, he said, involved the country in all the calamities which had visited the frontier; and he therefore suggested that 'for some time to come, restrictions should be laid upon all surveying beyond the limits of the settlement, and that the enterprise which had heretofore been employed for individual benefit, should be directed in some channel that would enable the executive to repel the aggression of the Indians, and chastise them for all wanton outrages.'"

The remainder of the Message is devoted to an exposition of an alleged encroachment upon the Presidential authority by Major-General Rusk—the censure of that officer for not sustaining the civil institutions of the country, which were violated by acts of illegality towards the property and persons of Mexicans at Nacogdoches, subsequent to the rebellion—"the honest Mexican being as much entitled to the protection of law as the Anglo-Saxon"—and to the inculcation of a peaceful policy towards "all those Indian tribes who were faithful to their friendship."

An approach was made during this year to the establishment of commercial relations between Great Britain and Texas—General J. P. Henderson, the diplomatic agent of the Republic, having succeeded in effecting a commercial arrangement with the British Government, by which "Texan vessels and goods, under the national flag and with Texan papers," were to be admitted into British ports, "in the same manner as the vessels and goods of Mexico, under the scope and stipulations of the treaty with that government, and the vessels and goods of Great Britain to be admitted into the ports of Texas upon the basis of the same treaty."

This arrangement, by which Texan journalists declared the people to be "extremely gratified," was announced by proclamation of President Houston on the 4th of July, 1838.

Candidates to succeed General Houston in the Presidency had been named in May. The parties mentioned were Major-General Rusk; Vice-President Lamar; Mr. Grayson, from Kentucky; and Mr. Robert Wilson, an old settler. General Rusk (then Commander-in-Chief, and since Chief-Justice of the Republic) assigned the following reasons for declining to stand a contest, in answer to the resolutions inviting him to become a candidate:—

"About three years since, Gentlemen, I became a citizen of this country. I was firmly resolved not to seek or hold any office, nor should I have abandoned that resolution had the country remained in a state of peace and quiet; but the commencement of our difficulties with Mexico strongly threatened the destruction of our country, and our expulsion from it; and I could not reconcile it to myself to participate in the benefits, and fail to share the dangers and responsibilities; and in accepting the many offices which I have held, it has been at all times done with reluctance, and under a strong sense of duty, and I have uniformly retired from such offices when I thought that I could do so consistent with my duty. I cannot, gentlemen, be insensible to the high honour which has been conferred upon me, by the earnest request which you have made of me to become a candidate for the high and very important office of Chief Magistrate of the Republic.

"Coming, as this request does, from men of talent, integrity, and high standing—and men, too, who stood firm to the country in the darkest hour of her peril—it makes an impression upon my mind which will only be eradicated with the last pulsations of life. The manifestations of the good opinion of the people of Texas towards me, upon so

many occasions—the many expressions of confidence in me made by those with whom I have mingled, in the most trying and responsible situations of my life—are more than I have deserved or merited, and fill me with that deep sense of gratitude which I have not words to express, but which I shall bequeath to my children as the most valuable legacy which I can leave to them.

"Your request, gentlemen, places me in one of the most delicate situations which I have ever occupied, and renders the task of answering it, so as to avoid the charge of a disregard of the opinions of my friends, and a preference of private interests to the public service, on the one hand, and an imperative sense of duty, on the other, a very difficult one.

"In a correspondence with General Lamar last fall, and before that distinguished individual was before the people as a candidate, I stated to him that I hoped he would not have any hesitancy in giving his consent to the request which had been made to him to become a candidate, as there was no design or desire to have my name before the people for any office whatever. The situation of my private affairs was then, and has been since, urged as a reason for my refusal to run for the office alluded to. I feel, gentlemen, the strongest obligations to our country, and am, as I ever have been, ready to risk, or, if necessary, sacrifice my life in her behalf; and to you, gentlemen, and the many friends I have acquired in the Republic, I feel under obligations which a long life would not afford time, or means, properly to show.

"I am, however, gentlemen, poor, and involved in pecuniary embarrassments. I have, as I have before stated, a large family solely dependent on my exertions for support—not only my own, but another family, the charge of which, by the death of a brother-in-law in this country, has devolved upon me. To them I feel obligations which you, I am sure, will duly appreciate. I feel great anxiety to place them in such circumstances that the hand of poverty shall not press as heavily upon them as it has done upon me. To these, gentlemen, I will add but two other reasons: the first of which is my great desire to avoid

the turmoil and confusion consequent upon the holding of office—and I trust that the day is not far distant when I shall be able to occupy that station in society, greatly the most desirable to me, that of a private citizen. The second is on the subject of your last resolution—that of my constitutional eligibility. On the day of election I should not be eligible—not attaining to the age required by the Constitution until the 5th day of December next, being some time after the election will have taken place—which would leave this matter subject to different constructions, even were I disposed to be a candidate."

The choice of the people fell upon Mirabeau B. Lamar for President, and D. G. Burnet for Vice-President—both of whom were returned by large majorities. Their constitutional term of office being three years, they were to retire in December, 1841. President Lamar was installed in December, 1838, on which occasion he delivered his Inaugural Address:—

"The character of my administration," he said, "may be anticipated in the domestic nature of our government, and peaceful habits of the people. Looking upon agriculture, commerce, and the useful arts, as the true basis of all national strength and glory, it will be my leading policy to awaken into vigorous activity the wealth, talent, and enterprise of the country; and, at the same time, to lay the foundation of those higher institutions for moral and mental culture, without which no government, on democratic principles, can prosper, nor the people long preserve their liberties. In the management of our foreign intercourse, I would recommend that we deal justly with all nations, aggressively to none; preserve friendly and amicable relations with such as may be disposed to reciprocate the policy, and, avoiding all protracted and perplexing negotiations, court free and unrestricted commerce wherever it may be the interest of our people to carry the national flag. Preferring peace, but not averse from war, I shall be ever ready to adjust all diffe-

rences with our enemies by friendly discussion and arrangement, and at the same time be equally prompt to adopt either offensive or defensive operations, as their disposition and our own safety may render necessary."

He hoped to recommend by his example the spirit of justice and moderation in the exercise of official functions—bestowing preferment upon the virtuous and intelligent of all parties who had the good of the country, and not their own aggrandizement, in view. He would

"sustain the freedom of the press, the purity of elections, the right of opinion, and the freedom and sanctity of religion; maintain the integrity and independence of the judiciary as the great dispensary of justice, and the correction of civil, criminal, and constitutional abuses; economize the public resources; protect the frontiers; recommend equality of taxation, burdening none of the branches of industry for the benefit of others; discourage multiplicity of legislation; patronize talents, integrity, and sobriety; and support with becoming liberality all laudable and patriotic institutions, founded in reason and tested by experience. Above all things, my fellow-citizens, I shall feel it to be my imperious duty to execute the laws with impartiality; to guard the public against fraud; to hold every individual in official station to strict accountability; and, under all circumstances, and at every hazard, to maintain order and subordination *within*, and to repel all aggressions from *without*."

There was one question of the highest national importance on which he felt it a privilege and a duty to address himself to the great body of the people—the annexation of Texas to the American Union:—

"Notwithstanding the almost undivided voice of my fellow-citizens at one time in favour of the measure, and notwithstanding the decision of the National Congress at its last session, inhibiting the chie fmagistrate from withdrawing

the proposition at the Cabinet of Washington, yet still I have never been able myself to perceive the policy of the desired connexion, or discover in it any advantage, either civil, political, or commercial, which could possibly result to Texas. But, on the contrary, a long train of consequences of the most appalling character and magnitude have never failed to present themselves whenever I have entertained the subject, and forced upon my mind the unwelcome conviction that the step once taken would produce a lasting regret, and ultimately prove as disastrous to our liberty and hopes as the triumphant sword of the enemy. And I say this from no irreverence to the character and institutions of my native country—whose welfare I have ever desired, and do still desire above my individual happiness—but a deep and abiding gratitude to the people of Texas, as well as a fervent devotion to those sacred principles of government whose defence invited me to this country, compel me to say that, however strong may be my attachment to the parent land, the land of my adoption must claim my highest allegiance and affection."

With the surrender of her independence, Texas would yield up the right of declaring war or making peace—of controlling the Indian tribes within her borders—of appropriating the public domain to purposes of education and internal improvement—of levying her own taxes, regulating her own commerce, and forming her own alliances and treaties. She would be reduced to an unfelt fraction of a giant power, with governors, and judges, and excisemen, appointed from abroad to administer laws which she had no adequate voice in enacting, and to gather imposts for the benefit of those who levied them. Carrying into the Union wealth without proportionate influence, she would be exposed to its distractions, arising from conflicting

interests and irreconcilable prejudices. As a slave-holding state, she would be assailed by the denunciations of remote and uncongenial communities. The natural resources of the soil supplied the means of adorning and beautifying the country, providing for its safety and defence, endowing institutions for the spread of virtue, knowledge, and the arts, and carrying to the door of every citizen peace, plenty, and protection. In addition to these results, he looked still farther to the important improvements Texas would be able to devise in government—to the entire revolution her example in *free trade* would effect in the commerce of other nations, emancipating it from the *thraldom of tariff restrictions*, and placing it upon the high ground of equitable reciprocity, all of which would inevitably flow from the maintenance of her position as an independent Republic.

"When I reflect upon these vast and momentous consequences, so fatal to liberty on the one hand, and so fraught with happiness and glory on the other, I cannot regard the annexation of Texas to the American Union in any other light than as the grave of all her hopes of happiness and greatness; and if, contrary to the present aspect of affairs, the amalgamation shall ever hereafter take place, I shall feel that the blood of our martyred heroes had been shed in vain—that we had riven the chains of Mexican despotism only to fetter our country with indissoluble bonds, and that a young republic just rising into high distinction among the nations of the earth had been swallowed up and lost, like a proud bark in a devouring vortex.

"That the people of Texas should have been in favour of *Annexation*, at the time their votes were given on the question, is not a matter of surprise, when we consider the then existing condition of the country.—She was left, after

the battle of San Jacinto, feeble and exhausted, without means and without credit; her settlements broken up; her villages desolated by ruthless invasion; and, amidst all, still threatened, in her defenceless situation, with a return of the foe, and a renewal of the sad calamities of war. Under such a state of things, no wonder that the people, harassed and almost ruined, bleeding with present wounds, and apprehending a farther accumulation of ill, should be willing to purchase momentary security by a surrender of their national independence."

For his own part, he had never despaired of the Republic, and had raised his voice against "the projected sacrifice," without regard to the difficulties of the moment; and the considerations which operated then had disappeared; the desolated plains had become green meadows and luxuriant fields: where the car of war had rolled, the husbandman now drove his plough in safety; and, instead of a scattered and suffering population, weighed down by poverty and blighted hopes, they beheld a people daily increasing in wealth and numbers, happy in their present possessions, and anticipating higher results. Invasion, too, had lost its terrors: conscious of their strength, they well knew that the enemy had greater reason to apprehend danger from them than they from the enemy.

Never were a people so favourably situated as were the inhabitants of Texas, for the establishment of a wise and beneficent government.

"We have already laid the groundwork successfully and well, and it is only necessary now, that we pay proper attention to the strength and symmetry of the superstructure. As in the natural sciences, discoveries are daily being made, so in the art of good government, the great teacher, Time,

is continually suggesting new and important changes, which, as a wise people, we should be ever ready advisedly to adopt, undeterred by the dread of innovation; and with conscious rectitude for our guide, move boldly onward in the rapid march of improvement, and keep pace with the progress of successful experiment. The American constitution is certainly the highest effort of political wisdom, and approaches more nearly to perfection than any other soccia compact for the government of man; yet a fair trial of fifty years has detected in that sacred chart many serious and alarming errors, which, if we will but wisely avoid, at the same time adopting its favourable features, and availing ourselves of all the lights of modern experience, we shall soon be able to devise and perfect a system of our own which shall surpass its model as far as that has excelled all others. To achieve this desirable end, we must turn to the great volume of History that lies open before us, and profit by the lessons it teaches. We may gather from its faithful records, not only a knowledge of what has been tested by other nations, and found to be practically beneficial or pernicious; but we may be taught the more solemn and important truth, that the instability of governments has not resulted from anything inherent in the nature of human institutions to flourish and decay, like the vegetable kingdom, but from the fact that all, with the exception of the American constitution, have been the result of chance, vice, and rapacity, instead of being fashioned by reflection, and based upon the solid grounds of private integrity and public morals. The principles of virtue and justice are unchangeable and indestructible, and the government which shall be reared upon the one, and administered upon the other, cannot fail to be an eternal bulwark to the rights of man."

The foundation of government upon a written compact between the people and their rulers was a wise invention, but it was obvious, he said, that the advantages of such a system must rest in the observance of the compact both by individuals and the

community at large. It was the first duty of a patriot to cherish and respect the constitution of his country, nor could there be a more dangerous enemy to liberty than the popular chief who should discard its authority, under the hollow pretext that he was acting for the good of the people. No reasons of state policy, or pretended exigencies, could justify its violation.

In his first annual message to Congress, President Lamar remarked, in reference to foreign relations, that to Great Britain the independence of Texas could not be an indifferent event.

"The advancement of her great commercial and manufacturing interests" was "too deeply identified with their future prosperity as a nation, to permit them to believe that she could view their present position with other than favourable regard. To France, also, it presented inducements which could not fail to elicit that liberality which had heretofore characterized her national councils. With Mexico, their position was unchanged. She still seemed to cherish the illusory hope of conquest, without adopting any means for its realization.

"A final abandonment of such hopes, or a more vigorous prosecution of the measures which would at once determine their worth, would be more consonant to true glory and wisdom than this attitude of supine and sullen hostility. It may become the duty and interest of Texas to reduce the question of her right to independence, to a more summary adjustment than our adversary seems inclined to give it. While we would meet with alacrity the first indication of a desire for a just and honourable peace, we should compel a more active prosecution of the war. 'If peace can be obtained only by the sword, let the sword do its work.'"

If they desired to establish a republican government upon a broad and permanent basis, it would

become their duty to adopt a comprehensive and well-regulated system of mental and moral culture.

"Education is a subject in which every citizen, and especially every parent, feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feelings excited; for its benefits are so universal that all parties can cordially unite in advancing it. It is admitted by all, that cultivated mind is the guardian genius of Democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that freemen acknowledge, and the only security which freemen desire. The influence of Education in the moral world is like light in the physical; rendering luminous what before was obscure. It opens a wide field for the exercise and improvement of all the faculties of man, and imparts vigour and clearness to those important truths in the science of government, as well as of morals, which would otherwise be lost in the darkness of ignorance. Without its aid, how perilous and insufficient would be the deliberations of a government like ours! How ignoble and useless its legislation for all the purposes of happiness! How fragile and insecure its liberties! War would be conducted without the science necessary to insure success, and its bitterness and calamities would be unrelieved by the ameliorating circumstances which the improved condition of man has imparted to it; and peace would be joyless, because its train would be unattended by that civilisation and refinement which can alone give zest to social and domestic enjoyments.—And how shall we protect our rights if we do not comprehend them? And can we comprehend them unless we acquire a knowledge of the past and present condition of things, and practise the habit of enlightened reflection? Cultivation is as necessary to the supply of rich intellectual and moral fruits, as are the labours of the husbandman to bring forth the valuable productions of the earth. But it would be superfluous to offer to this Honourable Congress any extended argument to enforce the practical importance of this subject. I feel fully assured

that it will, in that liberal spirit of improvement which pervades the social world, lose not the present auspicious opportunity to provide for literary institutions, with a munificence commensurate with our future destinies."

He recommended measures for placing the administration of justice on a fixed and intelligible basis. The introduction of Mexican laws had left the great body of the people in ignorance of the principles on which the decisions of the courts rested.

"It would be a task of extreme difficulty for the most learned in the science even to enumerate the various Mexican authorities now in force in this government. Most of these authorities have never yet been imported into the country, and, with a few exceptions, they are written in a foreign language unknown to our people, and to a large majority of the profession, as well as to a majority of the legal tribunals appointed by Congress to interpret and administer them. Nor is there a reasonable hope that at an early period we can be relieved from this painful perplexity; for it would be entirely impracticable for the government to procure at this time the translation, publication, and general distribution of these authorities.—And until this is done, or the system changed, we shall be doomed to the painful necessity of having the titles to our property tried, and all our contracts interpreted, by laws unknown to our courts, and unknown to the community. But while the present situation of Texas in this particular must be a source of deep regret to her friends, they can nevertheless console themselves by the reflection that the constitution of the country has provided a salutary remedy, by which she may be extricated from the difficulty. Congress is required by that sacred instrument, at a period as early as practicable, to introduce, by statute, the common law of England, with such modifications as the circumstances of the country may, in their judgment, require. The period here contemplated by the constitution, in the opinion of the executive, has now arrived."

In making the proposed alteration, he suggested the propriety of formally adopting a few of the general statutes of some State of the Union, of "established legal reputation, and with domestic institutions similar to their own."

He had not been informed of the origin and character of the disturbances in Eastern Texas; but he maintained that the Indians, whether native or intrusive, had no just cause of complaint. The emigrant tribes had no legal or equitable claim to any portion of the territory: they came as intruders, were positively forbidden to make any permanent abidance, and had continued against the public wish, and at the sacrifice of public tranquillity. The offer made to bordering Indians in the colonization law of Coahuila and Texas carried with it precedent conditions, which had in no instance been complied with by any of the tribes. To the Mexican authorities of that State they were objects of disquietude and terror, and if they, in any instance, promised lands to their chiefs, they were either stimulated by fear, or induced by a design to array the tomahawk and scalping-knife against the Anglo-Americans of Texas, upon whom such promises (if ever made) imposed no moral obligations. With reference to the pledge of the Consultation in 1835, and the consequent treaty, the latter had never been ratified by a competent authority, and, if it had, still there was a reciprocity of obligation to which the Indians had not adhered by rendering allegiance to the Republic.

With respect to Mexico—its government, occupied by internal disturbances, or perils from abroad,

had been restrained from renewing any serious attempt upon their liberties; but the western frontier had been disquieted by small parties of Mexican brigands, whose object was to plunder and destroy. Several Indian tribes, also, waged a petty, but, in some instances, disastrous warfare upon the neglected border settlements. His solicitude for due protection to the frontier had partially overruled his habitual repugnance to standing armies. In the disturbed state of their foreign and Indian relations, the proper security of the country at large, especially the peace and safety of the border settlements, seemed to require the organization of a regular, permanent, and effective force. The navy, likewise, required to be re-established on a respectable footing, and the state of the finances demanded early attention.

"In a few years, when agricultural exports shall exceed in value all that the most sumptuous extravagance can desire from abroad, and our unexplored minerals shall be in process of extraction, the people of Texas will find no difficulty in rendering ample means of support to their government, and protection to themselves. But at present, those important ends are not to be accomplished by direct contribution, without some painful exertions and sacrifices of personal convenience. To levy burdensome taxes on a people, many of whose farms and dwellings have been recently abandoned, and made desolate by an invading enemy, and who are still labouring under the embarrassments incident to a new settlement, and who are yet struggling for political existence, has an aspect of severity and injustice, and ought by all possible means to be avoided. The only practical mode of doing this, is to anticipate the future abundant resources of the country, and to devolve upon our posterity a portion of the burdens to which the perfecting our

independence and theirs has subjected, and is still subjecting us. The equity of this recourse to posterity will not rightfully be disputed by them, and cannot be controverted by us.

"The practicability of negotiating a loan adequate to the wants of the country, seems to be somewhat problematical. But I do not despair of being able to effect it, if the Congress will make satisfactory provision for its ultimate redemption, and the prompt payment of the interest that may accrue upon it. That Texas can render a full, and, to all human prescience, a certain and indestructible guarantee for any pecuniary liabilities which she would incur, there can be no doubt in the minds of those who are familiar with her condition and her inherent resources. But foreign capitalists are not presumed to be intimately acquainted with these things, and hence will result the necessity of presenting to them some more than ordinary inducements, before we can reasonably expect to acquire their confidence and credit."

Although he (President Lamar) was decidedly opposed to onerous taxation, yet the necessities of an infant State forbade abatement of the existing imposts. The necessity for providing for frontier defence called for, if not an augmentative, at least a more equal and uniform assessment of the land-tax. Under the operation of the existing law, and in the present inchoate condition of the major part of the land titles, but a very small portion of the appropriated lands was liable to taxation. This obvious injustice had resulted from the delay deemed advisable with regard to the issue of patents to claimants of "head-rights," or to persons entitled to bounty lands. The removal of the cause lay within the province of direct legislative action. To issue patents in all cases, (and it would be impossible for

the executive to discriminate) without inquiring into the many frauds which were alleged to have been practised before the Board of Land Commissioners, seemed to be fraught with objections, and to withhold deeds from those justly entitled to them was plainly inconsistent with the frankness which Government should always manifest to its citizens. The fact that the great object of taxes being to sustain the Government in its useful and necessary action, would suggest to the wisdom of Congress the importance of adopting one plain and uniform system.

He had approached the important subject of a Tariff with becoming caution, and had bestowed upon it that reflection to which it was entitled. For the present, he recommended the continuance of the Tariff laws, with such alterations as experience might suggest.

" The decided bias of my mind is for the total abolition of all duties on imports, not only because it would comport with that freedom of commerce so closely connected with the fundamental rights of man, but because it would be peculiarly adapted to the future condition and policy of Texas. While I am aware, that by indirect taxation in the nature of a Tariff, the people bear the burden as consumers without scarcely perceiving it, and are exonerated from that general surveillance and odious inquisition with which the visits of assessors and collectors of direct taxation are accompanied; and while I am equally aware of the derogatory and dangerous influence which an ambitious executive may be able to bring to bear upon the people through the swarms of dependent officers, continually residing and acting among them; yet still I look forward to a period (I hope near at hand) when we shall be able, and will find it to be our interest, to invite the commerce of the world to our free and

open ports. This, however, from considerations of a high public policy, may not be done until our national independence shall be generally acknowledged. The radical policy of Texas is anti-tariff, because its commercial commodities are of the raw material, which fears no impost rivalry, and paying no contributions to manufactories; yet the immediate adoption of free trade as is proposed by many of our citizens and statesmen, would in the present situation of our country exhibit an apparent recklessness and imprudence, which could not fail to affect our credit abroad; for it should never be forgotten, that fickleness and instability in a young government like ours, are as destructive to its character as a vitiated currency is to its wealth, or oppression to its peace. In addition to this, it should be borne in mind, that the revenue collected through custom-houses has been, and is still, our chief dependence for sustaining the credit of our public issues, which must most certainly sink into a disastrous and degrading depreciation with the repeal of the imposts. Indeed, if we abolish the Tariff in the present impoverished condition of the treasury, the government will be left destitute of the means of sustaining itself during the interval of collecting the necessary fund by direct taxation, or raising it on foreign loans, which, in either case, under the most favourable circumstances, will require several months to effect; and this destitution of means will occur at a moment when the energies of the government are demanded for frontier defence."

No subject in the whole range of political economy carried with it a more universal and intense interest than that of the circulating medium, and none was more worthy of the profound attention of Congress. They had before them the examples of other States:—

"The Exchequer Bills of England, the Assignats of France, and the Treasury Bills of the United States, furnish memorable examples of the inability of the most powerful and opulent governments to establish a good practical cir-

culating medium on their own credit alone, without the facilities of prompt redemption. The precious metals are the only uniform standard of value, and no paper representative can acquire general confidence, and answer the legitimate purposes of trade, unless it be convertible at the pleasure of the holder into gold or silver."

The operation of private banks in the United States had shown their inefficiency for good:—

"To my mind, the objections to private incorporated banks far transcend in practical importance any useful purposes they may have, or are likely to fulfil. In respect to them, our experience is large, full, and direct. That many of them have been extensively beneficial is without doubt; that in general they have been productive of more evil than good, and have exerted a pernicious influence on society, is no less clear. The examples furnished in the United States are within the recollection of every citizen, and they address their monitory voice with peculiar force to our judgment. There, among a kindred people, incorporated banking companies have been created, endowed, and cherished in every variety of form and modification of structure. In the early stages of their operations, the system was warmly commended to the people at large by the additional capital which it seemed to create, and the consequent impetus it gave to all kinds of business. Industry and enterprise in all the vocations of life derived new vigour and encouragement from the abundant facilities which the free circulation and easy access of a professedly redeemable bank paper presented to them, and the nation sprang forward in prosperity amidst the general jubilee of individual excitation."

With the multiplication of banks, their intrinsic worthlessness became manifested, and it was soon discovered that private incorporations were liable to be influenced by the vile artifices of corrupt speculators, and were altogether inadequate to supply the wants of the community. Their credit being local,

the benefits they conferred were necessarily limited, and, to correct these imperfections by increasing the number of private banks, would be extending the evils incident to such institutions, without attaining the object in view; for, in the same ratio that the banks increased in number, the par circulation of their bills diminished in distance, and the difficulties of commercial exchanges became the more burdensome and vexatious. The great *desideratum* in domestic finances was a sound and uniform currency, which should pervade the whole body politic, even as in physics vital blood pervaded the human system.

"At the commencement of the last war between the United States and Great Britain, a National Bank was established, and its powerful efficacy was soon manifested in the restoration of a sound and redeemable paper currency, and the revival of general confidence. The difficulties that had involved the whole commercial population, and those dependent upon it, in frequent and distressing bankruptcy, were rapidly dissipated and forgotten, and the country was blessed to an extraordinary extent with a safe and convenient medium of exchange between the remotest parts of its territory, and even between them and the leading commercial nations of the world. New hopes and activity were infused into every department of business—the farmer, the mechanic, the merchant, and those of the learned professions, all experienced its renovating and salutary influence. And the government itself not only participated in these aggregate benefits, but found in the bank a fiscal agent adequate to all its financial exigencies. The minor and local banks were brought under a wholesome restraint, and compelled to confine their issues within their appropriate spheres. Such of them as were insolvent from adversity or mismanagement withdrew from the hopeless competition, and those which had originated in fraud and corrupt speculation were

detected, exposed, and in most cases arrested in their course of iniquity and imposture. The temporary embarrassments which resulted from the contraction, the withdrawal, or the insolvent dissolution of the local banks were speedily repaired, and the partial derangements in business were restored and succeeded by a wholesome and universal circulation of a uniform, sound, and easily convertible currency, which was passed and received with unhesitating confidence."

He felt it his duty to recommend a strictly National Bank, which should be the exclusive property, and under the exclusive control, of the Republic. Such a bank, incorporated for a suitable term of years—founded on a suitable hypothecation of a competent portion of the public domain, which should be appropriated to that purpose—with the additional guarantee of the plighted faith of the nation, and an adequate deposit of specie in its vaults—would, it was confidently believed, confer many eminent and continued blessings upon the country.

"It is, indeed, true, that real estate is not sufficiently commutable or transitive to answer the ordinary and daily purposes of commerce and of exchange. These can be accomplished only by specie itself, or by that active and undoubted credit, of which a known and sufficient deposit of the metals, or something equivalent to them, is the proper basis. It is believed the proposed bank would be amply furnished with that equivalent—and to all necessary extent, with the actual metallic deposit itself. It is evident that a bank so constituted, the exclusive property of a stable and popular government, and combining the three guarantees of land, specie, and the public faith, would not require to retain in its vaults as large a proportion of dormant capital as is acknowledged to be indispensable to the safe conduct of a private institution. An ordinary corporate bank

renders no other security for the redemption of its issues than the actual corporate capital which is supposed to consist in a given deposit of the precious metals, and the resulting credits. And these, aided by the responsibility of its directors and executive officers, constitute its only claim to public confidence.

" In the contemplated bank, the merchant who, by nature of his business, did not need long discounts, would not be called upon to hypothecate real estate—but from the planter, who had fewer risks and required longer accommodation, security by mortgage might properly be required. The bank should be made the depository of all public monies, derived from whatever source; and none should be drawn from it except by an order from the Treasury. The directors of the institution should be chosen from the best qualified men of the country, without reference to their particular callings or political opinions: the whole number of directors to be divided into three sections—one section to retire every year, without eligibility to re-election for three years after the expiration of their term of service.

" In making these appointments, my own impression is, that the directors who are to regulate and control the affairs of an institution, thus established upon the funds and credit of the government, should be elected by Congress upon the joint ballot of the two houses, for the reasons, that being selected from various portions of the Republic, the qualifications and integrity of candidates would be better known to the appointing power, and their official responsibility to the people would be augmented by receiving office from their immediate representatives. But the appointment of the two principal officers in the direct management and operations of the bank (the president and cashier), upon whose unbending honesty and business talents the safety of the institution must greatly depend, should be thrown upon as few persons as possible. When the election of such officers is made by joint ballot from candidates who may present themselves to the representatives of the people, it is needless to disguise the fact, that many influences emanating from the good, as well as the more selfish feelings of the human

heart, might direct them in their choice, to the injury, if not utter ruin of the institution for the benefit of which they were acting. Besides, we all know that individual responsibility is lessened in proportion to the numbers who are brought to act on a given subject; and in making appointments so vitally important to the safety of an institution in which the whole country will have so deep an interest, it may be well to throw upon the individuals in whom the power of appointment is made to vest, a responsibility in some degree commensurate with the importance of the objects to be secured. It would perhaps be equally dangerous to entrust the power of appointment to a single person; for, being single, he would be more obnoxious to corruption. There is then but one alternative between the two modes—and that is a middle as well as safe ground, which will confer the right of nomination upon the President, and leave the power of appointment to the Senate. The jealous scrutiny of that body will at all times operate as a powerful and sufficient check upon the abuse of executive power. The subordinate officers may be chosen by the board of directors, or in any other manner which after experience may dictate. It would be superfluous to remark, that a supervisory power of investigating the affairs and controlling the bank, should be retained by the National Legislature. The immediate representatives of the people, who are the actual and beneficiary stockholders, should be enabled to restrain all imprudent excesses or abuses into which the board of directors might be betrayed, and maintain a vigilant and predominant supervision of all their acts; and especially control the whole circulating medium of the country.

"Such a power can be nowhere so safely lodged as in the hands of a free people.

He had spoken of this subject at some length, because he felt strongly impressed with its importance. The control of the circulating medium of a country was, in his opinion, as necessary to its salutary administration as that of any other department of its interests. If banking powers were valuable in

promoting an equal and safe circulation, it obviously belonged to the government to direct and superintend the distribution and exercise of those powers. It was a portion, and a peculiarly interesting one, of the sovereign authority; and to surrender it into the hands of a few private, and, in a political sense, irresponsible individuals, would be as repugnant to the true spirit of republican institutions, as to subject the management of the war or navy departments to such partial and unpledged hands.

"If a few men may become bankers, and throw their equivocal and precarious paper currency upon the community, why not let every man be a banker, and abandon your circulating medium to the illimitable cupidity of private speculation? The planter, the mechanic, and the labourer, are as much entitled to the immunities and privileges of the government as the speculator or the money-dealer. Let all trades be free. Let all rights be equal. The constitution has so ordained it, and so let us carry it into practice. The fostering hand of legislation should be extended to all classes of society. Each individual of a patriotic people cherishes, supports, and defends the government; and none have a peculiar and exclusive claim to rewards or privileges in the exercise of their industry. If banking be profitable, let that profit enure to the Republic. If the people must pay an interest for the use of money, to facilitate their legitimate operations, let them bestow their sacrifices, not upon the mercenary, but where it will promote the public welfare, and in the process of time revert to their own advantage.

"I therefore solemnly adjure the honourable Congress that they will withhold their sanction from all applications for banking privileges; and in nowise permit any private interests to be commingled in the great national institution to which I have invited their consideration."

By an Act which received the Presidential sanction on the 4th of January, it was provided—

"That every person who had emigrated to the Republic since the 1st day of October, 1837, or who might emigrate by the 1st day of January, 1840, being a free white person and the head of a family, actually residing within the government with his or her family, should be entitled to a conditional grant of 640 acres of land, by paying the fees of office and surveying. The conditions of the said grant to be, that both grantee, and his or her family, should remain and reside permanently within the Republic, and do and perform any and all duties required of other citizens, for the term of three years, after which time he or his legal representatives should receive from the government an unconditional deed for said grant: Provided, That no sale of said claim to land by the individual entitled to the same should be valid in law and binding upon the person selling the same, until an unconditional deed should be obtained by the grantee for said land; and in no case whatever should a grant of that description be made, unless it were satisfactorily proven that all the conditions and provisions of the law had been complied with. And all single free white male persons, of the age of 17 and upwards, who had emigrated to the Republic since the 1st day of October, 1837, or who might emigrate by the 1st day of January, 1840, should be entitled to 320 acres of land."

The benefits of this law were extended to all permanent resident citizens of Texas, who had arrived, or might arrive, at the specified age, within the period mentioned. It was also provided that all officers and soldiers engaged in the service of Texas previous to the 1st of March, 1837, whose families were then in the country, or might arrive previous to the 1st of January, 1840, should be entitled to the same quantity of land that they would have received had their families accompanied them to Texas. The gratuitous grant of government lands to emigrants was to cease on the 1st of January, 1840.

The irruptions and outrages of the Indians, both

on the north-eastern and north-western frontier of Texas, were frequent during the winter and spring of 1839. Hostilities had also commenced between the Comanches and the united tribes of Lipans and Tonkewas, on the Upper Colorado. In January, a company of 15 Texans from Bexar visited the Cañon de Uvalde, for the purpose of locating land claims. They entered the narrow pass without interruption; but, when they reached the middle of the valley, a large party of Comanches suddenly appeared at the upper extremity, and made preparations to surround them. Assuming a posture of defence, the savages did not venture to attack them; and at night they commenced their return to Bexar. Arrived at the lower entrance of the valley, they discovered a small party of Indians stationed at the pass. This party they routed, killing three or four, and, resuming their march, reached Bexar in safety. Another conflict took place in January, near the falls of the Brazos, in which 15 Texans were killed, and many Indians. On the 28th of February, President Lamar issued a proclamation, calling for the enrolment of 300 volunteers, to serve six months, in aid of the force then in arms for the repression of frontier inroads.

The President having learned that the Cherokees had committed many predatory acts, which they had cunningly laid to the charge of the "wild Indians," ordered Major Waters, with two companies of Six Months' Volunteers, to occupy the "saline" of the Neches. Bowles, the Cherokee chief, informed this officer that any attempt to carry his orders into effect would be productive

of immediate hostilities. In consequence of this intimation, added to previous delinquencies, the President informed the Cherokees that they must prepare to withdraw from Texas early in autumn. They were, at the same time, assured that they would be paid for all their improvements, and the property which they might be unable to remove. In this decision the chiefs seemingly acquiesced—admitting its justice, and expressing themselves willing to return to the United States on the terms offered.

But, under this show of resignation, they were secretly providing for an outbreak. Cordova, a revolted Mexican leader at Nacogdoches, and his second in command, Manuel Flores, started with a party of Indians and Mexicans for arms and ammunition to Matamoros. Some rangers near Austin, on the Colorado, having discovered their trail, they were pursued by a party of volunteers under Colonel Burleson, attacked, and nearly all destroyed. Those who escaped proceeded to Matamoros; but, on their return with a large quantity of ammunition, the Colorado rangers again detected their footsteps, and they were pursued, overtaken, and defeated, with the loss of their leader and all the stores and baggage. The correspondence between Bowles and Flores being taken, exposed the double-dealing of the Cherokees. The instructions to Bowles and his confederate chiefs were to simulate friendship to the Texans, while, through their emissaries, they retarded settlement and prevented improvement by ravaging the frontier. When the Mexicans had adjusted their difficulties with France, efficient aid was to be afforded for the prosecution of the common object.

On receipt of the intelligence contained in this correspondence, President Lamar determined to grant no respite to the Cherokees, but remove them forthwith beyond the border. Commissioners were accordingly appointed to negotiate for an immediate removal; and, as difficulties were anticipated, troops were ordered to move towards the Indian district. After making the customary professions of satisfaction, Bowles demonstrated an intention to resist; on notification of which, the Secretary of War (General Sidney Johnston) ordered Colonel Douglas to advance upon him. Douglas came up with the Indians on the evening of the 15th of July, and defeated them with considerable loss. They retreated, were pursued and overtaken on the 16th, and again discomfited and dispersed, Bowles, their leader and main dependence, being numbered among the slain. In these conflicts, the Indians, who had collected all their strength, including volunteers from the territory of the United States, had about fifty-five killed and eighty severely wounded. The Texan loss was five killed and twenty-five wounded. In twenty days, the north-eastern frontier of Texas was cleared of 4,000 savages, who had disturbed its tranquillity for years. Of these, some crossed the Red River and joined their brethren in the Indian appropriations of the United States; others dispersed in small parties, in places remote from the settlements. No farther annoyance was apprehended from them, and, for the protection of the northern and western frontier, the government decided on the erection of a chain of block-houses, which, with other arrangements contemplated by

the War Department, promised to secure to the outlying emigrants the unmolested occupation of their lands.

The disposal of the confiscated lands of the Cherokees became afterwards an exciting subject of controversy in Congress, in consequence of the desire of many to locate their head rights and certificates on these lands, and the wish of the government to appropriate them to the uses of the State. If the Cherokees, before their expulsion under a charge of rebellious practices, had a legal title to their lands, then all locations made prior to their confiscation by Congress were void. If, on the contrary, the Indians had no such title, the lands had always been public property; in which case, the location of their claims by individuals was legal. The Cherokee Land Bill was passed by the Congress in 1840; the words "reserved for and occupied" being substituted in the Senate for the words "owned and occupied" by the Cherokees.

On the 21st of February, President Lamar issued a Proclamation, for the purpose of encouraging a disposition to open a trading intercourse with Texas manifested by the Mexicans on the western bank of the Rio Grande. Regulations were prescribed for the admission by passport of peaceable Mexican traders, and the acting authorities of the Mexican States bordering on the Rio Grande were advised that, if they permitted "merchandise or other things, carried by citizens of Texas into those States for trade and commerce," to pass free of duties or exactions of any kind, the same liberality should be extended to Mexican traders in Texas. If, on the

other hand, duties were imposed on the goods of Texan citizens, like duties would be exacted from Mexican traders in Texas. The government of the Republic, sincerely desirous of establishing amicable relations, beneficial to both, with Mexico, followed up its pacific overtures by despatching Colonel Bee, in March 1839, as a diplomatic agent to negotiate a treaty. The answer which the agent received, when he announced his mission to the Mexican authorities, while on board ship off Vera Cruz, was neither complimentary nor encouraging, as appears from the following extract from the *Vera Cruz Censor*:—

"We do not know which most to admire, the audacity of those brigands in sending us their pedler, (*marchante*) to ask us to allow them the quiet and pacific possession of their robbery, or the answer the Commandant General gave to the individual who apprised him of the arrival of this Quixotic ambassador. From the tenor of the reply, it appears that if he lands, he will be accommodated with lodgings at the prison. Nevertheless, the Supreme Government will designate what definitively ought to be done. The Commandant says he is not aware of the existence of a nation called the Republic of Texas, but only of a horde of adventurers, in rebellion against the laws of the Government of the Republic."

About the latter end of February, the British barque Ambassador arrived at Galveston from Liverpool, and, as the forerunner of a direct trade between England and Texas, her appearance filled the hearts of the Galvestonians with joy. They had ample cause for rejoicing at the prospect opened to them. For the privilege of using British manufactures they paid a heavy tribute. These manufactures went first to New York, thence to New

Orleans, and thence to Texas. Besides the duties payable in Texas the consumers paid duties to the American Government, together with weighty charges arising out of the cost of transhipment, dealers' profits, and the depreciation of the currency. It is truly astonishing how the baby Republic, overlaid with so many incumbrances, contrived to breathe and struggle on.

In the spring of this year (1839) M. de Saligny, Secretary of the French Legation at Washington, visited Texas, to examine and report to his government upon the situation and resources of the country. M. de Saligny having the sagacity to perceive the true position of the Republic, and the good sense to make allowance for deficiencies occasioned by novel and trying circumstances, reported favourably of the people and their prospects. On the 13th of May, Admiral Baudin, with part of the French blockading squadron off the coast of Mexico, touched at Galveston. On their nearing the island, the commander of the Texan war-steamer Zavala, sent his lieutenant on board the Admiral's flag-ship, to ascertain in what manner the Zavala's salute would be returned. The reply was that they would return gun for gun. A salute of twenty-two guns was immediately fired, and promptly returned. An address of welcome, accompanied by the freedom of the city, was presented by the Mayor and Aldermen of Galveston to Admiral Baudin, who, in acknowledging the compliment, expressed himself gratified to find that what he had done in Mexico had proved beneficial to so just a cause as that of the Texan people. He hoped it would prove beneficial to the

several nations who, either as friends or foes, had to deal with Mexico. Nothing could be more agreeable to his feelings, he said, than to be considered one of a community like theirs, whose industry and energy he so much admired. He assured them that he would greatly prefer being the humblest member of a well-regulated and thriving community like that of Galveston, than to move in the sphere of wealth and power in a corrupt and decaying society.

General Hamilton, of South Carolina, had continued to aid Texas in her difficulties, and effected a negotiation with an eminent English banker, by which the basis was laid of the naval power of the Republic, by the purchase of a war-steamer at New York. He had sacrificed his personal pursuits and his domestic enjoyments, and had advanced his money freely for Texas, because he believed that the regenerating principles of free trade and civilisation were at issue in her fortunes, and was satisfied that the whole world would gain by placing a fertile and beautiful territory under the sway of the British race, instead of its remaining a valueless waste, of which Mexico was the nominal, and the marauding savage the real, possessor. General Hamilton became associated as a Commissioner with Mr. Albert T. Burnley, for negotiating a loan of 5,000,000 of dollars for the Republic, and was allowed, by a special resolution of Congress, to become a citizen of Texas. In August, 1839, he arrived in England, and, proceeding to Paris, cooperated zealously with General Henderson in his endeavours to obtain the recognition of Texan inde-

pendence by France. These endeavours were successful; and on the 25th of September, 1839, a treaty of amity, navigation, and commerce was signed by General James Pinckney Henderson, Plenipotentiary, on the part of the Republic of Texas, and Marshal Soult, Duke of Dalmatia, President of the Council, on the part of France. The Marshal, on affixing his signature to the treaty, said he was proud to have been the European godfather of the Republic. This treaty was ratified in Texas on the 18th of January, 1840, in the city of Austin, which had been selected as the permanent seat of Government, and to which it had been removed from Houston in the autumn of 1839.

The Annual Session of the Texan Congress commenced in November, on the 12th of which month the President's Message was presented. It stated that the foreign relations of Texas were daily assuming a more pleasing aspect—that the conflict of parties in Mexico had prevented the reception of their diplomatic agent, who was refused permission to proceed from Vera Cruz to the capital, and that the Government of the United States had evinced a disposition to interpose as a friendly mediator, "so far as interposition was proper." After adverting to their Indian relations, and justifying the expulsion of the Cherokees, he touched upon the difficulty of bringing the militia into an effective state by proper organization and discipline. The high price of labour had also impeded the establishment of a regular force, but the nucleus of an army had been formed, and, "through the activity of a meritorious officer," the recruiting service had been

conducted with a success that inspired the hope, that a sufficient force would be obtained to enable the government, early in the spring, to carry out the law for establishing a line of military posts upon the frontier. There was, he said, much cause for congratulation in the Report of the Secretary of the Navy. When the contracts for increasing the number of their vessels were completed (comprising a brig, two small barques, and three schooners, then in process of construction at Baltimore), they would possess a force fully adequate to all exigencies of maritime defence, and capable of giving them the command of the Gulf, in the event of an active prosecution of the war against Mexico. Having noticed the condition of the finances, the post-office, the board for auditing government claims, and the land office, he suggested that an additional bureau should be created, to be called the "Home Department," by which the "Department of State" would be relieved from the pressure of internal administration, and left to attend exclusively to foreign relations. The chief consideration which had influenced him in proposing the additional department, was the regulation and supervision of a system of Education suited to the condition and policy of the country.

"Congress at its last session, in accordance with a wise, liberal, and enlightened policy, made large appropriations of land for the endowment of colleges, academies, and primary schools. But the appropriations, though liberal, will require the utmost care in their management and application, to make them equal to the important work which is to be achieved. In their present condition, they can be regarded only as the foundation of a fund, which, by judicious

measures, and well-digested plans of operation, may be husbanded and increased until it shall be amply sufficient for all the purposes intended; but, without such measures, it may be frittered away in useless experiments, or swallowed up in the prosecution of visionary schemes, which can result in no permanent good to the country. It is, therefore, my deliberate opinion that if no other advantage was expected to be derived from the establishment of a bureau of education, than such as would result from a judicious management of its funds, that advantage alone would be sufficient to justify the expenses required for the support of such a bureau."

There were other objects which would claim the attention of the head of this department, besides the augmentation and preservation of the funds—namely, the judicious and effective application of these funds to the purposes intended, under the guidance of such enlarged and practical legislation as Congress might devise and adopt. To make an appropriation for Education was one thing, but it was quite another to attend to the disbursement of that appropriation, and to see that the blessings intended to be conferred should be faithfully imparted. The one was as much the duty of government as the other, and Congress was "no less bound to attend to the dissemination of knowledge than to the physical defence of the country." There was another view of the subject, he observed, which greatly enhanced its importance—the national complexion which education assumed when under the guidance of government.

"I would by no means limit individual enterprise, but, on the contrary, would second and sustain all its efforts in a cause so laudable as that of mental improvement. But it is not the diversified and ever-varying systems of private instruction that are to establish the moral and political cha-

racter of a people. This must be the work of those higher and more permanent institutions which shall be founded by the nation and directed by public wisdom.—Individual labours may accomplish much in the dissemination of classical and scientific lore; but this will be insufficient of itself to give vigour or longevity to a free government. It is true that liberty cannot exist among a people unblessed with the rudiments of learning; but it is equally true, as both ancient and contemporary history attests, that the greatest tyranny may prevail in a land where science and literature and all the arts are carried to the highest perfection. The reason of this is obvious. It results from the *mode* of education. The institutions fostered and controlled by despotic governments are so organised and conducted as to send forth their floods of light on all subjects, except the ones upon which the liberties of the people are mainly dependent. These are consigned to undisturbed repose. Darkness and thick clouds rest upon them. Thus may a people become profound in all the sciences, save the essential science of free government, in relation to which they may remain as ignorant of its principles as if no ray of learning had ever fallen upon their minds. They have academic attainments, but no useful intelligence; they can call the stars by their names, but know nothing of their own political rights, nor the practical mode of securing them. And if despotic governments can perpetuate their illegitimate power by a *system of National Education*, shall not a representative Republic avail itself of the same advantage to preserve the sacred principles of free institutions? I would answer—yes. I would say to the government, 'Open wide the doors of knowledge, but keep the key of the temple.' The great universities continually pursuing the same course of discipline towards each successive generation, will make the people homogeneous and united, and, by blending moral and political knowledge with classical instruction, the public mind will become so moulded to the institutions of the country, that, upon all the great and leading principles of free government, the nation will have but one heart and one sentiment."

While Texas was yearly advancing in population and industrial resources, Mexico remained the victim of military agitation and misrule. In the month of July, 1840, the Federalist party, headed by General Urrea and Gomez Farias, excited an insurrection in the city of Mexico, seized President Bustamente, and, after a conflict of twelve days, in which many citizens were killed and much property destroyed, a convention was concluded, by which the lives, property, previous rank, and employments were guaranteed to the Federalists, and hopes held out to them of another "Reform of the Constitution." Yucatan declared for Federalism, and severed itself from the General Government, and to the north and south other provinces gave evidence of a disposition to emulate the example. An attempt was made to form a Northern Mexican Republic. The State of Chihuahua, forbidden, by the Central Constitution of 1836, to raise troops or levy imposts, was obliged to violate its conditions, to protect itself from the Indians, who ravaged the frontier west of the Rio Grande, from the city of Chihuahua to Saltillo. Mexican papers of 1840 announced the meeting of a Junta in Chihuahua, the members of which had subscribed for the maintenance of an armed force of 200 men, who were to pursue the Indians, and destroy them "in every possible way." Of this force 150 were to be North American riflemen, and 50 Mexicans; and the command was to be entrusted to James Kirker, a German settler at the Paso del Norte, on the Rio Grande. Kirker had contracted to furnish men, ammunition, and provisions; and the Mexican journals complained of the intended

introduction of North American riflemen, under the command of a foreigner, into the Republic. As regards its relations to Texas, Mexico abated its pretensions so far as to receive a Texan agent (Mr. Treat, formerly Mexican Consul at New York), and permit him to submit the basis of a treaty.

The time had now arrived when the acknowledgment of Texas by England could not be much longer delayed, without incurring the danger of alienating the Republic from this country, and leading her to grant exclusive advantages to some more friendly power. General Hamilton, having obtained the recognition of Texan independence from Holland and Belgium, renewed his application to the British government in the autumn of 1840. Lord Palmerston—who had avoided, on the one hand, affording, by undue precipitancy, pretext for offence on the part of Mexico, and had, on the other, shown respectful consideration for the position and claims of Texas—agreed to arrange the terms of a treaty, or treaties, with General Hamilton. A commercial convention was framed on the basis of perfect reciprocity; and conditional stipulations were made for the assumption by Texas of one million sterling of the debt due by Mexico to British bondholders. The treaties finally agreed upon were signed at the Foreign Office on the evening of Monday, 16th November, 1840, by Lord Palmerston and General Hamilton, and were ratified by the Texan Government in February, 1841.

The recognition of Texas in the face of prejudice and clamour, was an act of patriotic firmness for which the British Minister is entitled to the thanks of all

Englishmen who hold the interests of their country superior to the obligations and purposes of party. For Texas it was an act of timely benefit—ensuring, as it did, the speedy establishment of peace with Mexico, and the opening of a lucrative commerce on her south-western frontier. It is creditable to the Conservative party that, neither in Parliament, nor through the press, have they swelled the unreasoning outcry against the recognition of Texas—an outcry raised by persons who propose to supersede the department of Foreign Affairs by a sort of Jacobin conclave, and thus to control the external relations of the empire without subjecting themselves to the inconvenience of executive responsibility.

CHAPTER IV.

Government of Texas—Civil List—Post-office—Judicial System—Customs Regulations—Revenue—Tariff—Mexican Tariff—Texan Finances—Slavery—Population—Morals and Religion—Education—Army and Navy—Press and Public Amusements—Internal Improvements—Agriculture—Land and Colonization Laws since the Revolution—Towns and Corporations—Law and Medicine—Commercial Position of Texas.

THE first division of this work has exhibited the physical characteristics of Texas;—the origin and progress of the Republic have been detailed down to the period of the establishment of commercial relations between it and Great Britain. The institutions and policy of the country, with its general condition and prospects, remain to be noticed. For the sake of clearness, I shall arrange the several subjects of explanation under formal heads—beginning with the GOVERNMENT.

The Constitution of Texas resembles in its general features that of the United States—the main distinction between them being that Texas is an integral, and the United States a Federal Republic. In this respect the Texans deem themselves more advantageously situated than their neighbours, whose government is necessarily one of compromise between conflicting interests. The operation of these interests is seen in the Presidential elections, and the policy of the future administration may be easily determined by ascertaining the amount of support the successful candidate may have received in the several States, and the predominant interests

in those States, in their relations to the Federal Government. There is another important particular in which the Texan and American governments differ. The President of the United States is elected for four years, and is eligible to re-election; the President of Texas is elected for three years, and is not eligible to re-election until after the lapse of at least one Presidential term.

CONGRESSIONAL COMMITTEES.—In the commencement of the session, the Speaker in each branch of the Legislature appoints the following standing Committees, to consist of five members each:—

A committee on Foreign Relations.
A committee on Ways and Means.
A committee on Claims and Accounts.
A committee on the Post Office.
A committee on the Judiciary.
A committee on Public Lands.
A committee on Indian Affairs.
A committee on the State of the Republic.
A committee on County Boundaries.
A committee on Roads, Bridges, and Ferries.
A committee on Naval Affairs.
A committee on Military Affairs.

CIVIL LIST.—The following is the compensation allowed to public officers on the Civil List of Texas:—

President, with house furnished, ten thousand dollars.
Vice-President, three thousand dollars.
Secretary of State, three thousand five hundred dollars.
Secretary of Treasury, three thousand five hundred dollars.
Secretary of War, three thousand five hundred dollars.
Secretary of Navy, three thousand five hundred dollars.
Attorney-General, three thousand dollars.
Postmaster-General, two thousand dollars.
Commissioner-General of the Land Office, three thousand dollars.

Chief clerks of departments, one thousand five hundred dollars.

Treasurer, two thousand five hundred dollars.

Auditor, two thousand five hundred dollars.

Chief Justice, five thousand dollars.

Associate or District Judges, three thousand dollars.

Members of Congress, per diem, five dollars.

Speaker of the House of Representatives, per diem, seven dollars.

President, pro tem., of the Senate, while acting as such, per diem, seven dollars.

Milage for Members of Congress, for every twenty-five miles going and coming, five dollars.

Chief Clerks of both Houses, per diem, six dollars.

Foreign Ministers, four thousand five hundred dollars outfit; five thousand dollars salary per annum.

Consuls, paid by fees. No charge to be made for certificates of character and intentions.

Secretary of Legation, two thousand dollars.

Assistant Clerks, per diem, six dollars.

Reporter, per diem, eight dollars.

Sergeant-at-Arms, per diem, five dollars.

Translator for Congress, per diem, five dollars.

Door-keeper, per diem, five dollars.

The heads of departments to be furnished with offices, stationery, fuel, lights, &c., at the expense of government.

Congress appoints a Chaplain, but his salary, if any, is not specified.

No alien can be appointed to any public office, except a Consulate.

Post Office.—This department is under the Superintendence of a Postmaster-General, as in the United States. The following list (for 1840) shows the number of Post-offices in the Republic, the names of the towns and counties, and the distance of each Post-office station from the seat of Government.

Names of P. O.	County.	Austin.	Names of P. O.	County.	Austin.
		Miles.			Miles.
Austin	Travis	—	Lowell	Gonzalez	82
Aransas	Refugio	156	Mustang Prairie	Houston	218
Bastrop	Bastrop	30	Mount Sterling	Nacogdoches	263
Beaumont	Jefferson	235	Montgomery	Montgomery	148
Big Creek	Fort Bend	170	Mount Pleasant	Bastrop	40
Bolivar	Brazoria	185	Matagorda	Matagorda	175
Brazoria	Brazoria	190	Mount Holland	Jefferson	261
Belgrade	Jasper	377	Myrtle Springs	Red River	456
Ballards	Red River	208	Montague	Fannin	993
Caney Crossings	Matagorda	220	Menard's Mills	Liberty	—
Cedar Creek	Washington	157	Myrtle Turf	Harris	153
Centre Hill	Austin	142	Mount Vernon	Montgomery	—
Crockett	Houston	185	New Cincinnati	Montgomery	215
Columbia	Brazoria	210	Nashville	Milam	85
Carolina	Montgomery	250	Nacogdoches	Nacogdoches	280
Coffee's Station	Fannin	672	Orozimbo	Brazoria	200
Comanche	Travis	13	Oak Grove	Washington	98
Clarkesville	Red River	490	Pattillo's	Jefferson	250
Cochran's Retreat	Jasper	215	Palo Gacho	St. Augustine	370
Columbus	Colorado	100	Peach Creek	Colorado	155
Colorado City	Fayette	70	Potter's Creek	Harrison	—
Dunn's	Robertson	107	Pine Island	Jefferson	275
Douglas	Nacogdoches	262	Plum Grove	Fayette	55
De Kalb	Red River	475	Preston	Matagorda	165
Egypt	Colorado	130	Primm's	Bastrop	56
Eperson's Ferry	Red River	410	Quintana	Brazoria	232
Fanthorp's	Montgomery	128	Quairo	Gonzalez	78
Fair Hill	Travis	15	Richardson's	Jasper	215
Franklin	Robertson	105	Richmond	Fort Bend	160
Franklin	Red River	550	Rutersville	Fayette	78
Fort Houston	Houston	230	Rusk	Montgomery	138
Fort Oldham	Washington	118	San Luis	Brazoria	200
Fort Bennett	Houston	200	Salem	Jasper	225
Fort English	Red River	000	Spilman's Island	Harris	215
Gaine's Ferry	Sabine	356	San Antonio	San Antonio	110
Groce's Retreat	Montgomery	138	Spring Hill	Shelby	—
Gonzalez	Gonzalez	57	Swartwout	Liberty	285
Gay Hill	Washington	107	Smithfield	Liberty	—
Galveston	Galveston	255	Spring Creek	Harris	153
Goliad	Goliad	230	Sabine City	Jefferson	335
Huntsville	Montgomery	229	San Augustine	San Augustine	360
Hodge's Bend	Red River	190	San Felipe	Austin	120
Hardman's	Nacogdoches	296	Slate Bank	Red River	—
Hibbetville	Liberty	—	Smithfield	Red River	390
Holme's	Jasper	195	Shelbyville	Shelby	390
Hamilton	Shelby	380	Sabine Town	Sabine	217
Houston	Harris	175	Shelton's	Red River	510
Hickory Grove	Bastrop	11	Seguin	Gonzales	67
Johnson's	Red River	285	Tenoxtitlan	Milam	103
Independence	Washington	98	Texana	Jackson	147
Jonesboro'	Red River	520	Tuscumbia	Harrison	—
Jasper	Jasper	185	Tellet's Prairie	Red River	530
Jones	Fayette	87	Velasco	Brazoria	232
La Baca	Jackson	137	Victoria	Victoria	107
Lamar	Refugio	150	Udolpho	Montgomery	183
La Grange	Red River	395	Wooton's	Nacogdoches	300
Lynchburg	Harris	205	Warsaw	Harrison	—
La Grange	Fayette	72	Washington	Washington	130
Liberty	Liberty	230	Ward's	Red River	500
Lexington	Fannin	648	Zavala	Jasper	202

Letters from Texas to Europe are forwarded through the United States, but hitherto European emigrants have had reason to complain of great irregularity in their transmission.

Unclaimed letters are periodically advertised in the newspapers, with the names of the parties to whom they are addressed.

NATIONAL ARMS, SEAL, AND FLAG.—The arms of the Republic are a White Star of five points, on an azure field, encircled by an olive and live oak branches. The Great Seal bears this device, and the letters "Republic of Texas." The National Flag consists of a blue perpendicular stripe, of the width of one-third of the whole length of the flag, with a white star of five points in the centre, and two horizontal stripes of equal width of two-thirds the length of the flag. The upper, white; the lower, red. The National Standard is a golden star on an azure field.

ADMINISTRATION OF JUSTICE.—The common law of England, "so far as it is not inconsistent with the Constitution and the acts of the Congress," has, "together with such acts," been adopted in Texas, as the general law of the land. The act of 20th January, 1840, providing for its adoption, repealed all laws in force prior to the 1st of September, 1836, with the exception of the laws of the Consultation and the Provisional Government in force at the time of passing the act, and the laws relating exclusively to grants and colonization of lands in the State of Coahuila and Texas, together with such laws of the General and State Government as related to the reservation of islands and lands, and also of salt lakes, licks and springs, and every description of

mines and minerals. The judiciary has been organized in the same manner as in the United States.

The County Courts are holden quarterly, on the 1st, 2nd, 3rd, or 4th Mondays of the several months in which they are held; for example, in the county of Harrisburgh, the sessions are on the 4th Mondays of January, April, July, and November.

These Courts are composed of the chief justices of the several counties, and any two magistrates, who may act as associate justices. They have only appellate jurisdiction in causes taken up from the several magistrates' courts of the respective counties.

There are Courts of Probate holden in each month, by the chief justice of each county, before which Court the business of Probate Courts is transacted in a manner similar to that practised in the United States.

There are also Justices' Courts in each precinct of every county, on the fourth Saturday of each month, for the collection of all demands less than one hundred dollars, wherein the title to real estate is not involved.

The Supreme Court is holden at the seat of government, the city of Austin, in Bastrop county, on the second Monday of each year, and may continue in session until all business before it is disposed of. It is to be composed of the chief justice of the Republic, and the judges of each district as associates. It having only appellate jurisdiction, any four justices constitute a quorum, the judge from whose district the appeal lies, vacating his seat *pro tempore*.

The Republic is divided into five judicial districts, in manner as follows, viz.:

FIRST JUDICIAL DISTRICT.

Counties.	County Seats.	Time of Holding Court.
San Augustine,	San Augustine,	1st Monday in Mar. and Sept. 3 wks.
Sabine,	Milam,	4th do. do. do. 1 do.
Jasper,	Jasper,	1st do. aft. 4th do. do. 2 do.
Jefferson,	Beaumont,	3d do. do. do. do. 1 do.
Liberty.	Liberty,	4th do. do. do. do. 2 do.
Galveston,	Galveston,	6th do. do. do. do. *

SECOND JUDICIAL DISTRICT.

Counties.	County Seats.	Time of Holding Court.
Brazoria,	Brazoria,	1st Monday in Mar. and Oct. 3 wks.
Matagorda,	Matagorda,	4th do. do. do. 2 do.
Colorado,	Columbus,	2d do. aft. 4th do. do. 1 do.
Austin.	San Felipe de Austin,	3d do. do. do. do. 1 do.
Fort Bend,	Richmond,	4th do. do. do. do. 1 do.
Harrisburgh,	Houston,	5th do. do. do. do. *

THIRD JUDICIAL DISTRICT.

Counties.	County Seats.	Time of Holding Court.
Washington,	Washington,	2d Monday in Mar. and Sept. 2 wks.
Montgomery,	Montgomery,	4th do. do. do. 1 do.
Robertson,	Franklin,	1st do. aft. 4th do. do. 1 do.
Milam,	Nashville,	2d do. do. do. do. 1 do.
Fayette,	Lagrange,	4th do. do. do. do. 1 do.
Bastrop,	Bastrop,	5th do. do. do. do. 2 do.

FOURTH JUDICIAL DISTRICT.

Counties.	County Seats.	Time of Holding Court.
Bexar,	San Antonio de Bexar,	2d Monday in Mar. and Oct. 3 wks.
Gonzalez,	Gonzalez,	1st do. April and Nov. 1 do.
Jackson,	Texana,	2d do. do. do. 1 do.
Victoria,	Victoria,	3d do. do. do. 1 do.
Goliad,	Goliad,	4th do. do. do. 1 do.
Refugio,	Refugio,	1st do. aft. 4th do. do. 1 do.
San Patricio,	San Patricio,	2d do. do. do. do. 1 do.

FIFTH JUDICIAL DISTRICT.

Counties.	County Seats.	Time of Holding Court.
Houston,	Crockett,	1st Monday in April and Oct. 1 wk.
Nacogdoches,	Nacogdoches,	2d do. do. do. 3 do.
Shelby,	Shelbyville,	1st do. aft. 4th do. do. 2 do.
Red River,	Clarksville,	3d do. do. do. do. 2 do.

* In the two preceding districts, it will be perceived that the Courts are to be holden until the business before them is disposed of; commonly from three to six weeks.

In Mexico, the laws are complicated and voluminous, and wretchedly corrupt in execution.

CUSTOMS REGULATIONS.—By act of May, 1838,

the laws of the United States, in relation to the customs' revenue, which were in force on the 12th of June, 1837, were duly declared to be the laws of Texas. Special acts of the Texan Congress supersede these laws. There are no special enactments to embarrass merchants or masters of vessels. All legal instruments to be valid in Texas must be attested by a Consul, if there be one in or near the place where the instrument is executed. The warehousing system has been established. From the Sabine to the Rio Grande, there are seven Collectoral Districts, with ports of entry—Aransas, Matagorda, Brazos, Galveston, Sabine, San Augustine, and La Vaca.

REVENUE.—The sources of revenue are, customs' duties, taxes, and land dues, and sales of public land and town lots.—Until Texas is relieved from financial embarrassment, she is obliged to postpone the completion of her free trade policy, and exact duties on imports. The tariff is, however. light; in 1840. 15 per cent. *ad valorem* was levied on all taxed articles except wines, malt liquor, and spirits. Recent accounts state that, in consequence of the depreciation of the currency to one-third of its nominal value, those articles which had been previously charged an *ad valorem* duty of 15 per cent., were to pay 45, with the exception of sugar, coffee, salt, and steel, which were to remain as before. To facilitate certain financial arrangements with France, a special act has been passed to permit the introduction of French wines free of duty. Each emigrant is permitted to introduce farming utensils and furniture in use to the amount of 500 dollars, and

all books free of duty. Mechanics are likewise permitted to introduce suitable tools to the amount of 500 dollars: indeed the Texan Government is sedulous in providing inducements for settlers. By act of January 26th, 1839, a citizen of Texas could hold his or her house, 50 acres of land, improvements to the value of 500 dollars, furniture to the value of 200 dollars, improvements in trade or husbandry to the value of 50 dollars, five cows, one yoke of oxen or one horse, twenty hogs and a year's provisions, "independent of any writ of execution or *fieri facias*."

All invoices of goods must have attached to them a certificate from a Texan Consul at the place from whence they are shipped, stating that the prices affixed to them in the invoice are the fair and common prices at which such articles are selling at that time; or, in case there is no Consul at the place from which the goods are shipped, the invoice must bear a certificate to the same effect from two respectable merchants of the place, and also the certificate of a Judge, or Notary Public, as to the respectability of the said merchants. When such certificate is not brought, or when the Collector of any port is of opinion that an attempt has been made to practise fraud or collusion, it is his duty to appoint two appraisers, and collect the duties according to their valuation. As this latter mode is both more troublesome and expensive than the former, persons shipping goods would do well to procure the certificate of the Consul, or two merchants of the place from which they are shipped.

Texas has set the example of resorting to direct in preference to indirect taxation.* By a law passed on the 16th of January, 1840, every citizen was

called upon to pay for the support of the Government in proportion to his wealth. The provisions of the law operate lightly on mechanics and labourers; its pressure is chiefly felt by the great land speculators, one of whom, however, Mr. S. Williams, of Galveston, introduced the bill. The collection of the direct taxes was assigned to the Sheriff, and, in the words of the act, the assessor was bound

"To form from the registers and from the inventories of various persons a general inventory of all the taxable property of each individual in the county, which general inventory must express the quantity of land owned by such individual, and its appraised value, and also that which such individual holds as guardian, executor, or administrator, and also that which such individual holds as attorney or agent of another person; and upon the land owned by such individuals, after being valued, there shall be levied and assessed a tax of one-half of one per centum on each dollar of valuation, and the same rate of per cent. shall be levied and assessed upon that which such individual holds as guardian, executor, or administrator, unless the legal heirs of such land so held be non-residents of this Republic; in which event there shall be levied and assessed a tax of one per cent. on each dollar of valuation; and upon all land which such individual holds as attorney or agent for another, the assessor shall levy and assess a tax of one per cent. on the valuation; and all other property expressed in the general inventory shall have levied and assessed upon it the specific tax which this law explicitly defines."

The "head-rights" of those who had been killed, or had died while in the service of the Republic, were to be exempted from taxation so long as they were owned by the heirs of the parties, or until such time as Congress should otherwise direct.

A special Committee of the Senate reported in 1839 on the subject of a Tariff. The Report admitted that import duties were indispensable in the embarrassed state of the country, "in order to defray the current expenses of the government," but its authors "hailed with mingled pride and confidence the approach of that happy day when Texas, by the development of her agricultural resources, would be enabled, as her true interest would then dictate and demand, to throw open her ports to all the world, and establish a system of *absolute free trade*. Then would cities, internal improvements, literary and benevolent institutions, and works of utility and ornament leap into existence, as if by magic—the bays and harbours be whitened with the sails of foreign vessels, supplying them with every species of merchandise, at one-fourth the existing price, and taking in exchange their cotton, live oak, and other exportable products."

The Committee laid down the principle that "the public revenue should be contributed in a direct ratio to the amount of property, no matter of what it consisted, whether real, personal, or mixed, which each citizen had to be protected: in other words, the possessor of 100,000 dollars should pay one hundred times as much for its protection as the possessor of 1,000 dollars paid." This position being assumed, they proceeded to consider what was "the most just, equal, and cheap mode of obtaining from each citizen his necessary tax, or contribution, for the support of Government. In a government constituted like theirs, where all were cultivators of the earth, without any manufactures

to foster, and without a mercantile revenue, the Committee" contended "that the public revenues should be derived from a direct tax on all the property of the citizen, of every species and description whatsoever."

The Committee set forth the several grounds on which they objected to a Tariff. In the first place, they held indirect taxation to be anti-republican. The argument that it was necessary "to inveigle, or delude, the citizens out of a tax, might well apply to despotic governments, where the people were intentionally kept in ignorance, but it attacked and overturned the main principle of Republicanism—the capacity of the people for self-government. How could the people be capable of self-government unless they possessed a knowledge of the *modus operandi* of Government in all its departments and ramifications, and unless they felt a willingness to contribute their just proportions for the support of Government—*fairly, equally, and directly?*"

"The reverse of this proposition would amount to nonsense and a contradiction in terms.

"This argument might have answered to some extent in the infancy of the government of the United States, before that people had become experienced in and familiar with the practical administration of Republican government.

"But can this argument be properly advanced in this enlightened age? Have we not had the advantages of more than half a century's experience in the science of self-government? Are mankind to progress no more in the great study of political economy, a subject which, although ably handled since by a host of authors, yet not one single work had been written on it at the commencement of the American revolution? Should not the lights shed abroad by the sages and statesmen of our parent land guide and

govern us in our political path, and their errors stand, like beacons on the summit of a mountain, to warn us of impending danger? The doctrine, then, that it is necessary to blindfold and delude the citizen out of his requisite support of government, should at once be repudiated and abandoned at the outset of a national career commenced like ours under such accumulated advantages. If the people are unapprised of the utility of a measure, facts and arguments should be placed before them; they should be reasoned with frankly and freely, and a correct decision on their part will be the almost certain consequence. Unfortunately, a contrary course has been pursued in other countries, which has led to their downfall. Demagogues, on finding a measure right in itself to be nevertheless unpopular, instead of having the moral courage to hazard the loss of their stations, by 'nobly daring to speak the truth,' have, for the sake of office, fallen in with, increased, and inflamed the prejudices of the people, and flattered them to their ruin."

The plea for a Tariff as a protection to manufactures did not apply to Texas, which had none, and probably never would have any to a considerable extent. All writers on political economy, "from Adam Smith down to the merest driveller in a magazine or newspaper," admitted that, in a nation composed of cultivators of the soil, and where all productive labourers could find profitable employment by cultivation, the adoption of a Tariff was a suicidal policy.

"How is the Tariff system, the Committee would ask, kept up in the United States of the North? *Is it not forced by the manufacturing and commercial States of the North and the East upon the agricultural South?* If the South should compose a Southern confederacy, would they dream of a Tariff?

"Has not their opposition to it, through the medium of nullification, shaken the Government to its centre, and threatened it with dissolution?

"These are facts with which even schoolboys are familiar."

After disposing of an objection founded on the depreciated state of their currency, the Committee appealed to the judgment of the citizens:—

"So far as the citizen is concerned, it is certainly unimportant whether he pay a tax of one hundred dollars direct and fifty dollars to the government indirect, as through the Tariff, on account of the enhanced price which the Tariff puts upon all merchandise; the committee repeat that it is unimportant to the citizen whether he pay his tax part directly and part indirectly, or whether he pay the whole one hundred and fifty dollars in direct taxation, as he would do if the Tariff were abolished. The amount is the same, and all Tariff dues are paid at last by the citizen and consumer, who of course would be able to add to his direct tax the sum which was saved to him by the abolition of the Tariff. Indeed, it would be preferable to the citizen who wished to enjoy the manly consciousness of feeling that he was not blindfolded or deluded out of his tax, and of knowing what he was doing with his means. A direct tax would be far preferable on another account. The existence of a Tariff enables the merchant to extort and impose heavy prices on the purchaser, under the pretence of the high duties exacted by the government on the articles which he is selling. *Therefore it is that the merchant will be found almost invariably opposing the abolition of the Tariff.* Indeed, in a government founded on the principle that the people are capable of self-government, as is ours, it is painful to witness how much and how often individuals are deceived in relation to the indirect tax which they pay to government. One of the committee, in arguing this question with a friend of the Tariff a few days since, was informed by his opponent that the Tariff was indispensable; that it had yielded more than one hundred thousand dollars of revenue, &c., &c. He

congratulated himself on his only having paid about twenty dollars tax upon his land, stock, &c. The member of the committee referred to convinced the gentleman with whom he was conversing, that on account of the Tariff, in the very suit of clothes he then had on, he had paid to the government, indirectly and unknowingly, more than his whole direct tax amounted to. The operation of a Tariff predicated on the ignorance of the people is like the gilding of a pill which we give to a sick child under another than its real name, and is absolutely insulting to the understanding of those who are proclaimed by our constitution 'capable of self-government.'"

Another objection to a Tariff originated in local causes. It was utterly impossible to enforce an equal collection of duties, and the people in Central Texas paid five times more in proportion to numbers than the people East of the Trinity.

"Situated as our eastern brethren are, with a small stream, the Sabine, for a boundary, which can be crossed at any point, and carrying on, as many of them do, their commerce up Red River to a point far above the raft, the army of Napoleon could not, in such case, carry into effect the revenue laws of the country. This is intended as no reflection on our eastern brethren; for were we similarly situated, we would in all probability pursue a similar course; for, unfortunately, smuggling is too generally considered a very trifling and pardonable offence."

The collection of direct would be cheaper than the collection of indirect taxes.

"It is hard enough upon the citizen to pay his tax if all that he pays goes into the public treasury, but it becomes truly painful when he reflects that at least one-third goes into the pockets of an unnecessary swarm of collectors, deputies, clerks, boarding officers, and a host of other petty tax-gatherers. The expenses attending the erection of custom-houses, and paying the necessary Tariff officers, have amounted to the enormous sum, during the present year, of

forty odd thousand dollars. All this might have been saved by a system of direct taxation, for a sheriff could collect one per cent. just as easily as he could one-half per cent."

Its tendency to encourage the demoralizing practice of smuggling formed another objection to a Tariff. All nations, no matter how moral or enlightened, would embark in smuggling where anything bordering upon high duties prevailed. And what could be more objectionable than the necessity under which strangers, or citizens approaching their homes by sea, were placed, of procuring permission to land even their wearing apparel, and submitting their persons to custom-house inspection?

The Committee declared its conviction that nothing would so much tend to ensure the favourable notice of England, and the recognition of their independence by that power, as a system of free trade. Once recognised by England, they would no longer have vainly to attempt to beg off their Government bonds at the enormous rate of ten per cent. for 30 years. Her capitalists would then have confidence, and they (the Texans) would be enabled to negotiate their loan as several of the North American States, not possessed of a fiftieth part of their resources, had done, namely, at one-half the interest which they had offered. It was not their cotton alone that was calculated to awaken the attention of England, their vast forests of live oak presented to maritime nations advantages not to be found elsewhere.

"The superiority of this timber over all others for ship-building, on account of its durability and its impenetrability, is known to those in the slightest degree conversant with such matters. So great is the rage for procuring this timber,

that when the United States took possession of Florida, after purchasing it from Spain in 1819, they found that the English, French, and Russians had been for fifty years carrying off the live-oak, and had in fact destroyed most of that which was convenient to tide-water. The Emperor of Russia, in his anxiety to secure a supply of it, ordered to Russia several hogsheads of the acorns, for the purpose of planting them in some of his most southern dominions, where, if they succeed at all, from the slowness of their growth, they may be of service to the czar who fills his seat some two hundred years hence, but not sooner. It is obvious, then, that our live-oak is destined to be an important item in the eyes of England and all other nautical nations, and their attention will be much sooner called to it and to us as a nation, by the establishment of a *system of free trade*."

Of all people on earth, the inhabitants of Texas were, in the estimation of the Committee, the most interested in imposing such a tax on lands as would compel large landholders to pay liberally for the support of Government; or, what would be as advantageous for the public interest, such a tax as would compel them to sell at fair prices.

" Contrary to the intentions of God, who undoubtedly created the earth for the inheritance of his creatures, and did not therefore design that that which could support and give comfort and happiness to thousands, should be monopolized by and lie idle in the hands of a single individual; and contrary to the true interests of our republic, which, by a continuance of this state of things, will remain a wilderness; there are many among us claiming a territory as large as some of the independent nations of the earth, who will neither improve a foot of it themselves, nor dispose of it to those who will. A tax, then, upon land would force a sale, would ensure the settlement and cultivation of what is now entirely unproductive, or would greatly enrich the public coffers if the tax were paid. In this tax upon land it

seems just to the Committee that the land in actual cultivation should be taxed more lightly than that which is wild, and yielding nothing to the government or to any one. *The land in cultivation is doing its duty.* That employed in growing cotton is bringing to the country all the good currency that ever reaches it."

The planter who enriched the country ought not, by a high tax on his cultivated lands, be made to pay for rendering the community a service; neither ought the small farmer who supplied the immigrants with the necessaries of life, be made to pay for that which promoted the settlement and prosperity of the country.

"On the other hand, shall the owner of from eleven to two hundred leagues of land, who never saw a foot of either, who has added nothing to the productive exports of the country, who has contributed nothing in purse or in person to its defence and protection, who probably, in the darkest periods of our struggle, has been reposing quietly on beds of down in New York or some other place of safety, rearing his family in the best society, educating his children at the best of schools, and mingling in the most polished and luxurious walk of life—shall that individual reap the enhanced price which the labour of others puts on his lands, and at the same time encounter none of the privations nor pay any of the expenses of government? This needs no answer.

"A land-tax of the kind above-mentioned is, in the opinion of your Committee, loudly and imperatively called for. Such an one will save the necessity of the odious, and to us suicidal Tariff system. It will be sufficient to defray the expenses of government without a resort to imposts. The Committee, in the above remarks, allude as well to large land-holders who are residents, as to foreigners. They should *all* be taxed, so as to make them *disgorge* what are in too many instances their ill-gotten acquisitions, and so as to enable us to open our ports to all the world, upon which

so much depend the prosperity and glory of our infant Republic."

In accordance with the views propounded in this Report, Congress passed the direct taxation law of January 1840.

Having shown the principles which govern Texas in relation to its commercial intercourse with foreign nations, I shall illustrate the policy of Mexico on the same subject. The ports designated for foreign commerce are—in the Mexican Gulf—Sisal, Campeachy, Tabasco, Vera Cruz, Tampico, and Matamoros; in the South Sea, Acapulco and San Blas; in the Gulf of California, Guaymas; in the Bay of Monterey (Upper California), Monterey.

I have before me a copy of the Tariff which became law on the 11th of March, 1837, printed at Matamoros; in which, I believe, no material *improvements* have since been made. This Tariff consists of eight chapters, and a hundred and twenty-two articles or regulations, of which nearly fifty are occupied exclusively with rules referring to shipping, ships' papers, forms to be observed, and heavy penalties for the slightest deviation; all professedly for the shipmaster's guidance, but actually calculated to involve him in a labyrinth of perplexities. Indeed, were all these regulations strictly enforced, it would be hardly possible for any vessel to escape seizure and condemnation. With respect to the duties imposed, they still continued so heavy upon all articles, except some light fancy goods (such as silk gauze), that, notwithstanding a considerable abatement of those prescribed in the preceding Tariff, smuggling, which had impoverished the Exchequer, more even

than internal and external war, was certain to be prolonged in full and unimpeded activity, the venality of the Mexican officers of customs being notorious.

Linens of all classes are taxed nine cents of a dollar per square vara, a measure rather less than an English yard, the cent being about equal to one halfpenny. Linen thread is taxed with a prohibitory duty of one dollar per pound. Plain, printed, and dyed cottons, muslins, &c., pay generally 12½ cents the square vara; cotton stockings 2 dollars 25 cents the dozen; both which rates are excessive, and prohibitory of importation, except in the finest and most expensive qualities. Upon that description known as power-loom cloths, and upon printed goods of fair quality, such a duty is equal to perhaps not less than 100 per cent. upon the value; and these are the qualities of greatest consumption among the middle and even the higher classes. The apology for these excessive rates is protection to the native manufacture, which in cottons is carried on to a considerable extent in Mexico; but, even on such a plea, the tax is vastly beyond the necessity of the case, and can only lead to defeat its purpose by the encouragement of smuggling. It would seem, however, to have been imposed as much in the hope of producing a revenue as with the object referred to: for cotton yarns, which are indispensable for the use of the Mexican manufacturer, are taxed 10 cents per pound from No. 21 upwards, which at No. 40 would amount to not far short of 50 per cent. upon value. Thus the high rate of duty upon twist serves only to raise the prices of Mexican

manufactures, and so far enhances the disadvantages of competition with foreign made goods. Superfine woollen cloth is taxed one dollar per square vara; double-milled kerseymeres 75 cents; and so in other sorts of woollen goods, down to 12½ cents. These are rates of duty so much the more impolitic, as Mexico possesses no woollen manufacture to protect worth notice, and therefore can only injure the revenue they are intended to increase. The duties on silk goods range from 2 dollars to 3 dollars 75 cents the pound, which upon light and fancy articles may not be materially felt, but upon plain and heavy goods press heavily, if not equal to prohibition on fair importation. Independent of those duties to be paid at the port of entrance, there are other heavy exactions to be paid in the places or States where imported for consumption. The tax by measure is further increased to some extent by the article of Tariff which enacts, that when the foreign measure used exceeds the Spanish vara in length, as the yard, for example, does the vara, the duty shall be levied by the square vara, instead of the simple vara, as in cases where that measure is used.

It is known that the Mexican Government made a monopoly of the produce and trade of tobacco. While Mexico was a province of Spain this monopoly was valuable. In a period of more than forty years previous to the revolution, it produced on an average more than three millions of dollars per annum: since the revolution, the income from this source has steadily declined. The Government,

chiefly engaged in foreign or domestic strife, farmed out the monopoly to incompetent persons, or appointed lazy or unfaithful agents, in consequence of which, for the years 1837 and 1838, the monopoly yielded only 700,000 dollars per annum; and, for 1839, only 600,000. In the year 1840, the necessities of the Government induced an offer of the sale of the privilege to those who would lend the largest sum of money. The Government had received more than the monopoly would amount to, and it was probable that another year would witness the extinction of the system and the opening of the trade.

The exclusion of its subjects from the retail trade in Mexico formed one of the grounds of complaint alleged by France against that country. A Mexican paper (the *Matamoros Anchor*) of the 15th July, 1840, referring to the law forbidding any but native citizens to dispose of articles of commerce by retail, and showing how beneficial the enforcement of the rule had been to Mexicans, complains bitterly of the course pursued by the Minister of Internal Affairs on the question, asserting that licences had been sold by this functionary to a few foreigners, and, so far from securing the retail trade to the natives, he had given to those few persons a virtual monopoly of the whole of it.

A well-informed and benevolent observer, writing from Mexico in 1828, says, "At the Custom-house in the city of Mexico, you see hundreds of productive, industrious labourers losing their time waiting to get a pass for a pound of chocolate, sugar, or coffee, without which pass they are not permitted to go

out of the gates. What horrible oppression!"* "Pulque," he remarks, "the beverage of the people, like the beer in England, is taxed very high, as well as the salt and tobacco. The Indians (and mixed castes), constituting four-fifths of the population, have always manufactured their own clothes."

Mr. Forbes, a British resident in Mexico, observes, in 1835:—

"The Mexicans still see nothing but wisdom and the sources of political prosperity in all the antiquated prohibitions, protections, and exorbitant duties of the most barbarous age of commerce. This outrageous system, so contrary to sound policy, and so opposite to the modern and enlightened doctrines of political economy, has reduced the revenue from her custom-houses to a trifle, and her treasury to bankruptcy. The old colonial system, however much decried by the new Republics, seems so rooted in their natures, that nothing but what savours of its ancient principles will go down. The same organization of the custom-houses, the same division of duties, under different denominations and per-centages, which create an interminable set of accounts and documents—the same number of officers—in short, the same confusion and facilities for contraband still exist in their revenue department, in all the perfection of the olden time. These and their necessary appendages of *alcavalas* (transit duties) and custom-houses in every inland town, which rendered the fiscal laws of Spain and her colonies so intolerable, still flourish in all their vigour, and place the new Republics almost out of the pale of enlightened commercial communities, and, at the same time, make them so remarkable for bad financial credit.

* Opinions on Various Subjects; by William Maclure, formerly of Philadelphia, and for twenty years President of the Academy of Natural Sciences in that city. New Harmony, Indiana, U.S. 1831.

The whole of the new Republics have strictly imitated their parent in putting their finances into a state of bankruptcy, in which, under their present system, they are likely to remain."*

Mr. Forbes admits that many of the statesmen in the South American countries have liberal and enlightened views, but "it has unfortunately happened, particularly with Mexico, that its government has been controlled by persons who have not put in practice even the rudiments of an enlightened policy in its commercial laws, nor made one step to the reform of its ruined and bankrupt finances. The great bulk of the people think that, instead of reducing the duties, abating the eternal Custom-houses, and simplifying the absurd classifications of duties at the Maritime Custom-houses, in order to augment their prosperity and better their revenue, they have only to impose higher duties, and multiply officers of the customs, pass restrictive measures for the encouragement of native manufactures which do not exist, and to fulminate decrees and issue moral precepts against unfaithful *employés* and smuggling citizens and foreigners. In this manner, the Mexican government has gone on through all its changes, in the steady course of heaping duties upon duties, multiplying restrictions and augmenting offices, till its mercantile system has become a monstrosity, not to be paralleled in any corner of the world."

* California, by A. Forbes, Esq. London: Smith, Elder, and Co.

PUBLIC DEBT AND AVAILABLE MEANS OF TEXAS.

Statement of the Estimated Debt of the Republic of Texas on the 30th of September, 1839, viz.:—

	Dollars. Cents.
Government Promissory Notes received in payment of duties and all public dues .	1,822,127 : 94
Funded Debt due and redeemable at the pleasure of the Government after 1842 .	803,479 : 53
Due for vessels of war	660,000 : 00
	3,285,607 : 47

The last accounts represent the whole amount of claims against the government at 5,893,000 dollars. No exertion is spared to pay the interest on bonds held in the United States. From the 1st of March, 1841, no money was to be issued by the Government, except the notes received in payment of customs, duties, and taxes.

The Estimated Receipts into the Treasury for the Fiscal Year, commencing 30th September, 1839, and ending 30th September, 1840, are as follow:—

	Dollars.
From Customs	400,000
Taxes and Land Dues	500,000
Sales of Lots in the Cities of Austin and Calhoun	400,000
	1,300,000

The above estimate of the current receipts for the year 1840 does not include the anticipated proceeds of the sales of the Cherokee lands, which were to be brought into market, to be partly sold on a credit to actual occupants, and to go to the credit of the Sinking Fund of the Republic, established to extinguish the public debt.

These lands have been valued at four or five millions of dollars.

The following is an average estimate of the extent of appropriated and vacant domain in Texas, according to a return from the General Land Office in 1839:—

Estimated area of Texas . . .		203,520,000 acres.
Titled land . . .	23,148,856	
Headrights under present L. Law . . .	28,238,499	
Bounty warrants up to Oct. 10, 1838 . .	2,990,000	
Donation land . .	341,760	
Total of appropriated land . .		54,719,115 acres
Leaving vacant land in Texas . .		148,800,885 acres.

From which is to be deducted the amount of land scrip, sold by authority of the government.

"In making the above estimate," observes the commissioner, "I have supposed the existence of titles for 2,107,000 acres of land, one-third of which may be situated on the east side of the Rio Grande; one-sixth on the west side of the Nueces; one-sixth east of the Nueces, in M'Mullen's and M'Gloine's colony; and one-third on the San Antonio River."

The Mexican debt to British bond-holders amounts to 9,045,332*l*., yearly interest 486,861*l*. By the act of the Mexican Congress in 1837, for the conversion of the foreign debt, which, after having been modified and amended by the bond-holders, was ratified on the 1st of June, 1839, by President Santa Anna, it was stipulated that, for the further security of the principal and interest of the new bonds, one hundred millions of acres of land in the Departments of California, Chihuahua, New

Mexico, Sonora and Texas, and twenty-five millions of acres in the departments "having the nearest communication with the Atlantic, and best suited for colonization from abroad," should be specially hypothecated until the total extinction of the bonds. The deferred bonds were to contain a clause, or clauses, providing that the Mexican Government, when thereto required, should grant the bearer of the bond full right of property and *complete possession* in the number of acres of land corresponding to the amount of the bond, with accruing interest thereon, at the rate of four acres of land for each pound sterling, of which *full* and *complete possession* should be given by the competent authorities. The act of confirmation enjoins the government, on its *most strict responsibility*, to divide the lands so as to *prevent the too great concentration of the emigrants on one point.* The colonies were to be located *at some distance from each other*, and as near to the *Mexican towns* as might be convenient. The government was also to take care that the existing laws relating to emigration should be enforced, as likewise any others that might be enacted in future, and consisting with the tenor of the agreement. No religion, of course, to be tolerated but the Roman Catholic. The government of Texas pleaded independent sovereignty in answer to the land claims of the Mexican bond-holders, but admitted that they had a fair title against Mexico, to the amount of the indemnity to be given by Texas for the disputed territory between the Nueces and the Rio Grande.

The public will judge respecting the good faith

of Mexico in ratifying so late as the month of June, 1839, a Convention for the contingent transfer of lands in Texas to its British creditors. It engaged to put the holders of warrants in "complete possession" of their guaranteed lands. How? The whole arrangement argues shameless insincerity or outrageous folly on one side, and singular ignorance of local circumstances on the other. It will now be necessary for the British creditors to look well after their rights. Free trade cannot exist in Texas without injuriously affecting the receipts of Customs at Tampico and Vera Cruz, unless indeed the revenue system of Mexico be placed upon a rational footing.

Slavery.—Political, social, and economic considerations have combined to render Texas a slaveholding country. At the time of the adoption of the Constitution, most of its inhabitants were from the slaveholding States of the American Union and felt desirous that their relatives and friends, and people of manners and habits similar to their own, should settle among them. This, they knew, many of them would not do, unless permitted to bring their slaves along with them. Besides, the Northern States were opposed to Texas, and, in case of invasion, they had no allies to fall back upon except the people of the South. There was another (at present the most powerful) reason for introducing slaves from the neighbouring States—the abundance of land and the scarcity of labour. The Republic has sustained itself under extraordinary difficulties, but means are wanting to raise its currency, and to bring its commercial policy and plans of improvement into operation. Capital is required, to

create which labour is essential, and that has not offered in such abundance as to induce the Republic to prohibit the removal of slaves with their masters from the Southern States, across the Sabine. It is computed, that each field negro in Texas realizes by the cultivation of cotton and Indian corn to the amount of, at the lowest calculation, 500 dollars per annum, without injury to his health.

A planter with fifty negroes, procuring from their labour a yearly income of £5,000, is not easily to be *argued* into the relinquishment of a right which the law and usage of his birth-place have always recognised. As to approaching the planters, or people of the South, with threats and vituperation, *that* can be productive of nothing save unmitigated mischief. Much exasperation has grown out of this mode of interference already, wholly unredeemed by beneficial results. Unless foreigners are prepared to effect by force of arms the emancipation of the negroes in the United States and Texas, they will do well to abstain from exaggerated statements and intemperate language; they can only hope to make an impression by the use of moral dissuasives, and especially by addressing themselves to the question in its economical aspect, bearing in mind the wants of a new country, every emigrant to which is expected to bring with him an addition to its resources, in labour or capital —the introduction of negroes being considered equivalent to the latter.

With the exception of the low line of the coast, particularly the rich tract adjoining the Brazos, the labours of tropical agriculture may be performed

by whites without detriment to health. In the less salubrious districts, the soil is peculiarly adapted to cultivation by steam power, for the application of which, an ingenious American engineer, now in London, has obtained a patent. The machinery, he alleges, is capable of performing nearly all the labour required in cotton, sugar, rice, and tobacco estates, besides clearing forest land. If such machinery can be effective anywhere, it must be on the alluvial lands of Texas, where the surface is level and the earth free from stones. At all events, the experiment, which is recommended by a great saving of expense, is worthy of a trial.

The demand for slave-labour decreasing in proportion to the introduction of free, which is much better,—by interdicting the latter, the field is left open exclusively to the former: yet this is the way in which anti-slavery advocates propose to promote their principles in Texas, whose inhabitants they essay to influence, not by reason and moderate language, but by calumny and invective.

The whole slave population of Texas cannot at the very utmost, I should think, amount to 10,000. Almonte gives 2,000 as the number in 1834, and these were dispersed during the invasion of 1836. The unsettled state of the country for a year or two afterwards would, of course, impede the settlement of planters with their slaves. Texas is not geographically adapted to the great extension of slavery. Beyond the Rio Grande, labour is abundant; the population distributed along its banks lead a pastoral life, and the climate towards the west and north-west is better suited to the European than

the African constitution. Negroes would make very inefficient herdsmen, whereas the Mexicans of the northern provinces cannot be surpassed. Why should Europe assail the people of Texas because they avail themselves of the only practicable mode of cultivating their fertile country and recruiting their finances, when that territory is open to the industry of all who choose to transplant themselves thither and pre-occupy the field of labour?

Among the unjust accusations brought against Texas is the charge of encouraging the African Slave Trade—a charge refuted by the provisions of its Constitution, which prohibit the importation or admission of Africans, or Negroes, into the Republic, excepting from the United States of America, and declare it to be piracy. This provision was the voluntary act of the framers of the Constitution. By an act of Congress of the 21st December, 1836, it was provided that "any person or persons who should introduce any African Negro or Negroes, contrary to the true intent and meaning of the ninth section of the general provisions of the Constitution, declaring the introduction of African Negroes into the Republic to be piracy, except such as were from the United States of America, and had been held as slaves therein—should be considered guilty of piracy; and upon conviction thereof, before any court having cognizance of the same, should suffer death, without the benefit of clergy." It was likewise decreed by the same act that "If any person or persons should introduce into the Republic of Texas any Africans or any slave or slaves from the United States of America, except such slave or slaves

as were previously introduced and held in slavery in that Republic, in conformity with the laws of that government, should be deemed guilty of piracy, and upon conviction thereof, before any court having cognizance of the same, should suffer death." By an act, of June, 1837, all free Africans, or descendants of Africans, who were in Texas at the date of the Declaration of Independence, and their natural issue, were granted the privilege of remaining in any part of the Republic they chose. In a Message to Congress from President Houston, in 1837, I find the following decisive passages on this subject:—

"Not unconnected with the naval force of the country is the subject of the African slave trade. It cannot be disbelieved that thousands of Africans have lately been imported to the island of Cuba, with a design to transfer a large portion of them into this Republic. This unholy and cruel traffic has called down the reprobation of the humane and just of all civilized nations. Our abhorrence to it is clearly expressed in our Constitution and laws. Nor has it rested alone upon the declaration of our policy, but has long since been a subject of representation to the government of the United States, our Ministers apprising it of every fact which would enable it to devise such means as would prevent either the landing or introduction of Africans into our country.

"The naval force of Texas not being in a situation to be diverted from our immediate defence, will be a sufficient reason why the governments of the United States and England should employ such a portion of their force in the Gulf as will at once arrest the accursed trade and redeem this Republic from the suspicion of connivance, which would be as detrimental to its character as the practice is repugnant to the feelings of its citizens. Should the traffic continue, the odium cannot rest upon us, but will remain a blot upon the escutcheon of nations who have power, and withhold their hand from the work of humanity."

The following paragraph of a later date appeared in a Texan newspaper—the *Houston Morning Star.*

"We learn with much regret that several vessels have been fitted out from New Orleans to proceed to Cuba and smuggle slaves into our country. The course intended to be pursued in effecting this object is to run the vessel up the Sabine and land them on the United States coast, from which the transportation of them across the river into our own country would be but the work of a moment. The government of the United States have taken measures to frustrate this accursed expedition, by appointing Captain Green, formerly of the revenue cutter Woodbury, United States' collector at the Sabine, who is provided with a sufficient force to forward the accomplishment of the design. We do sincerely hope that, if the report be true (and we cannot doubt it), the officer will be successful in capturing the individuals engaged in this business, and that the penalties of the law will be enforced with the utmost rigour and decision."

I have heard that the Cuba speculators succeeded in smuggling a number of Negroes into Texas, in the manner described, but not to any considerable amount, although Sir T. F. Buxton, in his "Slave Trade and its Remedy," states that he had been informed, "upon high authority," that, within the years 1837 and 1838, no less than "15,000 negroes had been imported from Africa into Texas." The Dutch Consul-General at Havannah has gone a step farther, having said that this amount had been imported in a single year.* A simple calculation will show the monstrous extravagance of these allegations, apart from the dispositions of the government and people of Texas.

The "wholesale price of Africans" at Havannah

* Turnbull's 'Cuba.'

was, according to Mr. Turnbull, in 1838, above 300 dollars a head. Add about another hundred dollars for freight and risk of capture, and the gross amount of money alleged to have been expended, in one year, on slave labour, by a young and recently desolated country, reached the enormous sum of six millions of dollars, or 1,200,000*l.*! The readers of this work are acquainted with the condition of Texas in the period specified, and can appreciate the pains-taking impartiality that has held the Republic up to the reprobation of the world on the basis of such "facts" as these.

The British brig of war Pilot visited Texas, with a commission to inquire into the reported sale and detention of some free negroes, that had been kidnapped and conveyed thither by one Taylor, a native of Barbadoes. The Texan government afforded every possible facility to the Commission, and Taylor was taken, and eventually sentenced to fourteen years' transportation.

Even as a slaveholding state, according to its constitution, Texas, if justly and respectfully dealt with, could, and unquestionably would, afford material aid to British ships of war in their endeavours to prevent the importation of Africans into Cuba. But the only result that can follow the stoppage of European emigration and the reiteration of insult and calumny, is to constrain the Republic to depend almost exclusively on slave labour, and to repel the advances of its calumniators with the same spirit which it displayed towards Cos and Santa Anna, whose perfidious invitation to the slaves to unite with them, for the destruction of their masters,

ended so miserably for those unprincipled commanders. Again and again would I repeat that, for good or for evil, the men of the Southern States will yield no answer to dictation, home or foreign, save armed resistance. In proportion as their apprehensions are awakened, their pride is stimulated, and the tighter is the rein drawn upon the negro— the more resolute are they to hold on to the death. Does any portion of the people of England desire (if the object were so to be attained) to liberate the negroes of the Southern States by the frightful process of a servile war? If they do not, then they are utterly inexcusable in assuming an attitude which can have no other effect than that of making the continuation of slavery a point of honour with high-spirited men, who, referring to their legislatorial archives, tell us, and tell us truly, that slavery was forced upon their fathers by the arbitrary will of England.

The condition of the bulk of the Mexican population is inferior to that of the slaves of the American States. So early as 1799, the Bishop and Chapter of Mechoican, in a memorial to the King of Spain, pronounced the moral improvement of the Indian race *impossible*, unless the obstacles to the progress of *national industry* were removed. In the hands of the Creoles, composing only one-tenth of the population, almost all the property and wealth of the kingdom were centered. The natives might be said to have *no individual property*.

"The same tricks," says Maclure, "are practised on the Indians in Mexico, as on the working classes

in some parts of Europe. Their masters encourage the thoughtless beings to run in debt to them, after which they provide them with necessaries at a profit which effectually prevents them from getting out of debt, and puts them as much under their control as if they had bought them, with this advantage over negro slavery, that the master has no outlay of capital in their purchase, nor losses by their death. So that until the Indians get informed, all the advantages of slavery to the masters, without any of the expense, is the consequence of the present state of civilization." * * *

"The Indians of this climate of perpetual spring," he further remarks, "have fine capacities, quick intellect, are mild, hospitable, polite, and tractable when intoxicated," unlike "the morose, cruel, suspicious, and unchangeable savage of the North."

POPULATION.—It is difficult to form a close estimate of the scattered population of Texas. From the various statements which I have inspected, and certain statistical data, I should fix the average Anglo-American population at 200,000. Should Mexico accept the terms of treaty offered by Texas, an addition of probably 100,000 souls will be made to the population of the latter in the valley of the Rio Grande. I do not hesitate to predict that the population of Texas will, under an unimpeded system of emigration, amount within seven years to one million of souls.

CORRECTIVE LAWS, MORALS, AND RELIGION.—The criminal laws of Texas are rigorous, in consequence of the influx of persons from the United States,

seeking to evade punishment by flying to a foreign jurisdiction. The officers of the Republic are vigilant in searching after fugitive delinquents, and returning them to the proper authorities in the United States. In none of the new States of the Union is the law so certain to be carried into effect against a real offender, through the instrumentality of a jury, as in Texas. The general laws and municipal regulations press hardly upon the errant corps of "loafers." Justices of peace and other civil officers are enjoined to arrest all vagrants and idle persons living within their respective jurisdictions, and where there are no visible means, nor proper exertions for a livelihood, they are empowered to send the party to work for the public, thirty days for the first offence, sixty for the second, and one year for the third. There are similar regulations for the correction of drunkards, and penalties are exacted from all persons bearing deadly weapons, except the military. Faro, Roulette, Monte, Rouge et Noir "and all other games of chance played by persons, holding banks, for the purpose of attracting betters,"* are offences, punishable by heavy fines. The severest penalty of the law is attached to duelling. For debt, unaccompanied by fraud, there is no imprisonment, it being considered injurious and unjust, both to the community and the individual, to place a debtor in a situation in which he cannot be of use to the public, his creditor, or himself.

Texas has Temperance and Bible Societies, and Sunday Schools, but there is ample room for the extension of these and kindred institutions. The

facility with which the necessaries of life are procured, tends to produce improvidence and dissipation.

There are churches in Galveston, Houston, and other towns, for the celebration of Christian worship, according to the forms of Protestant Episcopalianism, Presbyterianism, and Methodism. While I was in Texas, in 1839, the Wesleyan Methodists were preparing for their Centenary celebration.

EDUCATION.—In 1839, Congress incorporated several literary institutions and granted them large tracts of land. It also passed an act granting to each county in the Republic three leagues (above 13,000 acres) of choice land, to be appropriated to the support of primary schools. By the same act, 50 leagues (above 220,000 acres) of the best land were appropriated as a reserve for the maintenance of two Universities, to be established in Eastern and Western Texas. An act of 1840 provided that, in addition to the primary schools, there should be established in each county a Central Institution, in which classical literature and the higher branches of mathematics should be taught.

ARMY AND NAVY.—The regular army of Texas consists of little more than a single frontier regiment of 850 men, divided into fifteen companies of 56 men each, stationed at the frontier posts to repel the Indians. The navy, composed of a war steamer and six light vessels, is at present laid up in ordinary; with the exception of a brig and a schooner for revenue service. The expense heretofore incurred in these departments will be materially

reduced when peace is concluded between Mexico and Texas.

PRESS AND PUBLIC AMUSEMENTS.—In June 1838, there were six weekly newspapers in Texas; in June 1839, there were twelve journals, one of them published daily, and some tri-weekly. The operative printers had established a Typographical Association for controlling the rate of wages. A theatre was opened in Houston in the summer of 1838, and a respectable company was performing some of my old friend Sheridan Knowles's latest dramas in the summer of 1839. There are Jockey Clubs in several districts, and races and billiards are favourite amusements. Gambling, originating in thirst for excitement, is one of the prominent vices of the South. A professed gambler is held in abhorrence by the respectable citizens in Texas, and is deemed capable of committing the darkest crimes.—" Bring down my baggage," said one of these worthies, an adventurer from Arkansas, to the waiter of an inn. " What is it, sir?" inquired the latter. " Three pistols, a bowie-knife, a pack of cards, and a shirt." —Among all ranks and classes in Mexico, the mania for gambling ruinously prevails.

INTERNAL IMPROVEMENTS.—A railroad has been opened between the Brazos river and the bay of Galveston. Its whole length is thirty-five miles, commencing at Austinia, on the west shore of Galveston bay, and terminating at Bolivar, on the Brazos. The cotton and other products of the Brazos district are transported by this railway to Galveston for the purpose of shipment. It is proposed

to form a railway communication between Houston and Austin, which will connect the upper Colorado and Brazos with steam-boat navigation, from Houston to Galveston. The ordinary roads of Texas are of Nature's construction, nothing being required, in the dry season, except bridges for the frequent streams, to enable travellers to proceed by carriage from the Sabine to the Rio Grande. In the wet season, travelling, especially by the lower line, towards the coast, is troublesome and expensive. The facilities which Texas offers for the construction of railways, will soon cause them to be the principal means of internal communication. In Mexico, the roads are generally execrable, and merchandise and agricultural produce are carried on the backs of mules. But Humboldt wrote in a prophetic spirit, when he expressed his belief that "considering the progress of civilisation on the New Continent, land communication would gradually become very frequent between the United States and New Spain, and public carriages would one day roll on from Philadelphia and Washington to the city of Mexico and Acapulco."

Commissioners have been appointed to mark out a road from Bastrop to Red River, taking the line of the three forks of the Trinity. Congress has provided for a military road, from the mouth of the Bois d'Arc, in Red River, to the river Nueces, at the crossing of the Presidio road; it is to be sufficiently cleared and bridged to admit the passage of waggons: block-houses or garrisons are to be maintained at various points. In the vicinity of each

post, three leagues of land are to be surveyed, in lots of 160 acres each, two of which lots are to be reserved for the government, and are given to each soldier of the frontier regiment; the remainder to be distributed among such able-bodied citizens as will settle upon and cultivate them for the space of two years. The frontier regiment was to be stationed along the road as follows:—56 men at Red River, 168 at the three forks of the Trinity, 112 at the Brazos, 112 at the Colorado, 56 at the San Marcos, 56 on the Cibolo, 56 at the Rio Frio, 224 at the Nueces. The troops were to cultivate a part of the 360 acres reserved to government, for their subsistence. The detachment at the Nueces was to traverse the country between that river and the Rio Grande. The construction of the road and the establishment of the forts will afford ample protection to the districts below it.

Companies have been incorporated for the purpose of clearing the Colorado and Caney Creek of obstacles to navigation.

When there is sufficient capital in the country, an internal navigation will be opened along the coast from the Sabine to the Rio Grande. This may be effected by cutting a canal about thirty miles in length, on a line which does not present in its profile an elevation of twenty feet. It will require three principal cuts: one, of less than a mile, from East Bayou to the Sabine Lake; one from West Bay to Matagorda, of about twenty-two miles; and one, about three miles, from Point Isabel, upon the Barra de Santiago, to the Rio Grande. An outline

of prospective improvements, drawn up by Mr. T. J. Green, contains the following remarks upon the practicability of opening a communication between the shores of the Atlantic and Pacific oceans.

"A railroad is rapidly advancing west into Louisiana; and with a connecting link of one hundred miles from Opelousas to Sabine Lake, one could pass this route from the city of Orleans to Matamoros with ease, in seventy hours. This done, and you will have nearly accomplished that great commercial desideratum which has baffled the ingenuity of the trading world for centuries—to wit, a short road to the East Indies. You can then pass up in three days to the head of good steam-boat navigation upon the Rio Grande, from whence a railroad will land you upon the Gulf of California, at the port of Guaymas, one of the best harbours on the Pacific, from whence (allowing me a small figure of speech) you may converse with the people of China through a speaking trumpet. I look to the time, not distant, with as much confidence, when I shall see a trip made from the Gulf of California to the city of Orleans in ten days or less, as I do to see one made from Orleans to New York in six. To this plan some may object, that there are Indians upon the route. To this I should answer, that if our uniform Indian policy failed to secure their friendship, a regiment of mounted men would command their fears. Though the geography of that portion of the country, between thirty degrees of north latitude, upon the Rio Grande and the Gulf of California, is not well understood, I learn from an intelligent friend of mine, who spent three years there, that its general profile is good, it being table land of considerable altitude, which is reached by a principal ascent from the valley of the Rio Grande. The quality of the land and character of the whole country are considered to be peculiarly adapted for grain. The Apaches and other Indian tribes have kept the Mexicans always forted in, and prevented them from working the rich mines in that district, which would be opened to American enterprise."

AGRICULTURE.—Texan agriculture is yet in an imperfect state—the fertility of the soil securing ample crops at a minimum of cost and labour. It is to be hoped that modern improvement will be substituted for the slovenly system of slave culture, and that the process of exhausting the soil, which has impoverished several of the Southern States of the American Union, will be abandoned on the prairies of Texas. The average produce of wheat in Mexico is from twenty-two to twenty-five for one, and the price of labour is low, but the system of cultivation is rude and crops uncertain.

LAND AND COLONIZATION LAWS SINCE THE REVOLUTION.

The first act of the people of Texas relative to the lands, was the suspension of the functions of all commissioners, empresarios, surveyors, and all persons concerned in the location of land, by the General Convention, assembled in November, 1835. The land system thus suspended, was never resumed. From that period to the present, a new course of legislation has been adopted relative to the disposal of the public domain.

The grant of bounty lands to volunteers by the Consultation and Congress of Texas, has been noticed in the previous part of this work.

GENERAL LAND LAW.

On 12th Dec., 1837, the several acts relating to the establishment of a general land office, were reduced into one act, which provided for the establishment of a general land office, under the direction of an officer, styled the Commissioner-General of the Land Office. The department was

organized in such a manner as to give it efficiency; and all officers concerned in it, or created by the act, were expressly prohibited from directly or indirectly speculating in public lands, and their fees fixed by law.

A county surveyor for each county, elected by both houses of Congress, was provided for, and his duties defined, and fees fixed as follows:

His duties are to reside at the county seat, and appoint as many deputies as he may deem necessary; to receive and examine all field notes of surveys by his deputies, and certify the same, under his hand, to the Commissioner-General of the Land Office, and to record the same in his own book of record. His fees are—for inspecting field notes of a league and labor, 500 dollars; for inspecting field notes of one-third for ditto, 400 dollars; for inspecting field notes of any less quantity, 300 dollars. His books are always open for inspection, for a fee of 37½ cents. The deputies run the lines of any vacant land designated by claimants, and are entitled to a fee of three dollars for every lineal English mile actually run.

A Board of Land Commissioners for each county was organized, whose duty it was to investigate all claims on the government for head rights to land. The claimant may appear before the board, and take the following oath: "I do solemnly swear, that I was a resident citizen of Texas at the date of the Declaration of Independence; that I did not leave the country during the campaign of the spring of 1836, to avoid a participation in the struggle; that I did not refuse to participate in the war, and that I did not aid or assist the enemy; that I have not previously received a title to my quantum of land, and that I conceive myself justly entitled, under the Constitution and laws, to the quantity of land for which I now apply." He will be required, in addition to the oath, to prove, by two or more credible witnesses, that he was a citizen of Texas at the date of the Declaration of Independence, and has continued there since; and also whether he was married or single at that date, and what amount of land he is entitled to by law.

Widows and orphans are not required to take the oath; but, in common with all others, must prove, as above stated, that the person whose estate they claim, or that the person of whom they purchased, is actually entitled to a grant from the government.

No purchaser of a head right is entitled to a grant unless he is a citizen of the Republic at the time of his application.

All claims having their origin previous to the Declaration of Independence, are subject to the same formalities and requisitions as any others.

Any person claiming under the Colonization Law of Coahuila and Texas, must prove, by two respectable witnesses, that he was a resident of Texas during the time the said law was in force; and such proof will entitle him to his quantity, according to the terms of the said law. (See Art. 22 of the State Colonization Law.)

Upon the taking of the oath, and the production of the requisite proof, the board issue a certificate, attested by their clerk, which authorizes the claimant to select his land out of any vacant land, and to order the surveyor to survey it for him.

Sec. 16 of the law provides for an appeal to the district court of the county in which the claimant may live, in case he deems himself aggrieved by the decision of the Board of Commissioners.

The board meet on the first Thursday of each month. Should that fall on a regular court day, then they meet on the Thursday thereafter. The fees of the board for the granting of a certificate are five dollars, to be paid by the claimants.

When more than one application is made for the same tract of land, the settler or occupant has the preference if the claims of each applicant are otherwise equal. Persons who were in the country at the date of the Declaration of Independence, are preferred to others.

Patents for lands are to issue from the Commissioner-General of the Land Office for all lands surveyed before the suspension of the Land Office in 1835, upon the holder

presenting the certificate of some Board of Land Commissioners, that his claim is correct, and upon his paying the several fees required by law.

In all other cases, patents shall issue from the General Land Office, and be sent to the President of the Board of Land Commissioners for the county where the land lies, by him to be delivered to the patentees; and the patentees shall, in all cases, pay, as government fees, the prices fixed by the Colonization Law of Coahuila and Texas. (See Art. 22 of Colonization Law of Coahuila and Texas.) And if they emigrated subsequently to the second day of May, 1835, and previous to the Declaration of Independence, they shall pay the amount fixed by a law of the state of Coahuila and Texas, passed on that day.

Should two or more locations be made, or titles granted for the same piece of land, or should the boundaries conflict between different surveys, the oldest title or certificate takes precedence; and those of the later date, on proper showing of all the facts, and the certificate of a legal surveyor, procure new certificates for their quantity, or for so much as the decision of the line shall deprive them of.

The above are all the provisions of the law necessary to an understanding of the mode by which the emigrant obtains his lands. The following sections of the law are all that relate to his rights:

Sec. 21. Be it further enacted, That all lands surveyed for individuals, lying on navigable water courses, shall front one-half of the square on the water course, and the line running at right angles with the general course of the stream, if circumstances of lines previously surveyed under the laws will permit; and all others not on navigable water courses shall be square, if previous lines will permit; and, under no circumstances, shall any one grant be located in more than two surveys.

Sec. 22. Be it further enacted. That each and every individual under the age of seventeen, who has volunteered in the service of his country, and who has received an honourable discharge, shall be entitled to the same quantity of

land, as a head right, that he would be if he were twenty-one years of age, and upon the same conditions.

Sec. 23. *Be it further enacted,* That all single men who were in the Republic at the date of the Declaration of Independence, and entitled under the Constitution to one-third of a league of land, and who have since married, or may within the next twelve months, shall be entitled to the additional quantity of two-thirds of a league and a labor of land—*provided,* that the benefits of this section shall only extend to those who have contributed to the support and defence of their country: *and provided,* this additional quantity shall not be allowed to any whose wife has received a league of land of this government.

Sec. 24. *Be it further enacted,* That whereas many persons have received titles under the Colonization Laws, as Colonists, from the different commissioners of the country, and whereas many conditions were by the law attached to such titles, that all such conditions be, and they are hereby cancelled, and the titles to all such lands are hereby ratified and confirmed—*provided,* that such persons shall pay, or cause to be paid, to the President of the Board of Land Commissioners of the county where such land may be situated, within six months after the opening of the land office, all money which may be due or owing on the same: *provided,* that the condition of remaining in the country, and the prohibiting the sale to aliens, shall not be repealed by this law. *And further provided,* that no title by this act shall be confirmed which was illegal or invalid *ab initio. And further provided,* that this act shall not extend to any grantee or individual for a greater amount of land than one league and one labor.

Sec. 25. *Be it further enacted,* That no person shall, by virtue of an improvement, have a right to claim more than one league and one labor of land, and that improvement shall consist in the clearing and fencing, in a farmer-like manner, at least four acres; and this privilege shall not extend to any person or persons who have previously received a title to the quantum of land to which they were entitled,

nor to any person or persons entitled to a grant of land by purchase.

Sec. 26. *Be it further enacted,* That it is hereby declared, that all empresarios' contracts having ceased on the day of the Declaration of Independence, all the vacant lands of Texas are the property of this Republic, and subject alone to the disposition of the government of the same.

Sec. 27. *Be it further enacted,* That in order to settle the claims of empresarios, each and every one of the same are hereby authorized to institute a suit against the President of the Republic of Texas, which suit or suits shall be tried in the county in which is situated the seat of government, and shall be tried as all other land suits are required to be tried. And should any empresario who should thus sue, fail to establish the claim for which he sues, he shall pay all the costs of suit. *Provided,* that neither aliens nor the assignees of aliens shall be entitled to the benefits of this act.

Sec. 29. *Be it further enacted,* That every volunteer who arrived in this Republic after the 2nd day of March, 1836, and before the 1st of August, 1836, and has received or may hereafter receive an honourable discharge, and has taken the oath prescribed by the constitution, or who may have died, shall receive the quantity of land by this act secured to original colonists. *Provided,* that the priority of location mentioned in the thirty-eighth section of this act shall be adhered to. *And further provided,* that none but the person who served, or his heirs, shall be entitled to the benefit of this provision, and all augmentation shall accrue to the original claimants, and not to the persons to whom it may have been transferred: *Provided,* no person who is entitled to the benefit of the first part of this section of this act, shall be entitled to the benefits of the latter part of the same. Every person who has arrived in this Republic since the Declaration of Independence, and previous to the 1st of October, 1837, who is a free white person and the head of a family, and who actually resides within the government with his family, shall be entitled to a conditioned grant of twelve hundred and eighty acres of land, by paying the fees of office and of

surveying. The conditions of the said grant shall be that both grantee and his or her family shall remain and reside within the Republic, and do and perform all the duties required of other like citizens, for the term of three years, after which time he or she shall receive an unconditional deed for said land; and in no case whatever shall a grant of that description be made unless it be satisfactorily proved that all the conditions and provisions of the law have been complied with. And all single free white men who have emigrated to this Republic since the Declaration of Independence, and previous to the 1st of October, 1837, shall be entitled to an additional quantity of six hundred and forty acres of land upon the same conditions as above named, and all laws contrary to the meaning and provisions of this section are hereby repealed.

During the first session of the third Congress, the duties of the Board of Land Commissioners were transferred to the charge of the officers composing the County Court of each county. Said court is composed of the Chief Justice, and any two magistrates of the county as associate judges. The clerk of the County Court is clerk of the Board.

All persons indebted to the Government on account of land, were authorised to pay to the Secretary of the Treasury, or the President of the Board of Land Commissioners for the county where the land might be situated. The Commissioner General of the Land Office is also authorised to receive public dues on lands, so that the patentee has his choice of three receivers—the Commissioner, the Secretary of the Treasury, or the President of the Board of Land Commissioners for the county where his land is situated.

By act of Congress, January 4, 1839, the benefit of head rights was extended to all emigrants who should arrive in the Republic before the first day of January, 1840, or who had arrived after the first of October, 1837. Every free white man, the head of a family, is entitled to 640 acres of land, on condition that he, with his family, shall reside permanently in the Republic three years; after

which time, he or his legal representatives shall receive an unconditional deed from Government. He is forbidden to sell his claim; and should he sell, the sale is declared not valid or binding upon him. Every free white male of the age of seventeen and upwards, who shall have arrived within the time specified above, is entitled to 320 acres of land. All permanent citizens of Texas, who may have arrived at the age above specified, are placed on the same footing. Officers and soldiers who were in the service of Texas before March 1, 1837, whose families may have arrived since then, or shall arrive before January 1, 1840, are entitled to the same quantity which they would have had had their families emigrated with them.

From the preceding abridgment of the laws affecting titles to land in the Republic of Texas, it will be perceived that there are already three distinct species of title:—the first—titles which are perfected, and consequently vested. These titles came from the Government of the State of Coahuila and Texas or its agents, and are indisputable, except in cases of confiscation for treason during the revolution, as provided by the Consultation in Article 19 of the "Plan and Powers of the Provisional Government," which declares "all lands, or claims to land, held by those who leave the country to avoid participation in the present struggle, without permission from a judge or alcalde," forfeited to the use of the state.

The second species of titles are those emanating from the present Government to all who arrived in the country previous to the Declaration of Independence. Of these, some claim by virtue of the old colonization law, and others in virtue of the legislation of the Provisional Government. These titles are absolute, and in fee-simple.

The third species are those created by effect of laws passed since the revolution, extending head rights from time to time, subject to conditions. These titles, owing to the nature of the conditions, are not so valuable as others.

The emigrant who wishes to purchase of a citizen, will do well to purchase those of the first class—by this is

generally understood all claims or titles originating before the date of the Declaration of Independence.

Of the second class of head rights, those created by section 29 of the General Land Law, in favour of those volunteers who arrived before the 1st of August, 1836, are unconditional, and equally as valuable as those of the first class.

There is still another class of rights or titles to land, viz., the land-scrip issued by Government.

On the 10th of December, 1836, the President was authorised and required to sign land scrip to the amount of 500,000 acres, to be transmitted to Thomas Toby, Esq., of New Orleans, for the purpose of being sold. The minimum price was 50 cents per acre.

On the 6th of December, 1836, land scrip, at the same price, was also granted to William Bryan, Esq., of New Orleans, with authority to sell a sufficient quantity to pay him for all liabilities which he had incurred on behalf of the Government.

On the 10th of December, 1836, an agency was established in Mobile, and David White, Esq., appointed an agent to sell land scrip, at the standard value of 50 cents per acre, to the amount of 100,000 dollars.

On the 3rd of June, 1837, land scrip was issued to James Erwin and others at 50 cents per acre, in payment of a loan made by them to the Government. This scrip gives an unconditional title to the holder, and it may be held by aliens.

On the 9th of June, 1837, an agent was appointed by the Government to settle with, and to receive the unsold scrip in the hands of the Government agents. Said agent was authorised to sell for cash at the minimum price.

On the 14th of December, 1837, the President was required by Congress to issue his proclamation recalling the agent for the sale of land scrip, and forbidding the further sale of said scrip. The proclamation was issued, and all sales made by agents after the receipt of the President's proclamation were declared null and void. No other scrip

than that specified as above ever issued from the Government; and no scrip of land companies, or any scrip excepting the above specified, is considered as of any value or as giving the least shadow of title to any part of the public domain.

Recapitulation of the various species of Titles.

1st. Titles emanating from, and perfected by the Government of the State of Coahuila and Texas. These titles are unconditional and absolute.

2nd. Titles emanating from the Government of the Republic of Texas, to emigrants who arrived in Texas previous to the Declaration of Independence, and to volunteers by way of bounty, and also the head rights under the old colonization laws, granted to volunteers who arrived in the country before the 1st of August, 1836; and the bounty lands granted to the heirs of deceased soldiers, who were in various actions. These are unconditional.

3rd. The head rights of colonists who have arrived in the country at various periods since the Declaration of Independence. These are subject to conditions which have already been considered.

4th. The titles to bounty lands issued to soldiers who were in various battles as heretofore mentioned. These are entailed on the original holder for life.

5th. The titles created by the issuing of Government scrip, which titles are absolute and unconditional.

TOWNS.—Speculation has named a large number of prospective towns in Texas, some destined to become peopled and prosperous, others to remain neglected or stationary. The following are the principal ones that have been established, enumerated in geographical order from north-east to north-west:—

Clarksville—county seat of Red River county.

Shelbyville—on the Tenaha creek, county seat of Shelby county.

Milam—on the San Antonio road, between the Sabine and San Augustine—county seat of Sabine county.

Sabine, Belgrade, Salem, and Princeton—new towns on the Sabine river.

San Augustine is a considerable town, situated on the San Antonio road and the Ayish Bayou—seat of San Augustine county.

Nacogdoches—the old Spanish town sixty miles from the Sabine river—county seat of Nacogdoches county.

Teran, Bevil Port, Zavala, Jasper, Menard, and Beaumont—new towns on the Neches and its tributaries. Jasper is the seat of the county of the same name, and Beaumont of Jefferson county.

Sabine—at the mouth of the river of that name, has a custom-house.

Crockett—county seat of Houston county.

Liberty (county seat of Liberty county), *Swartwout, and Cincinnati, Franklin* (seat of Robertson county), *Geneva, Carolina, and Osceola*—on the Trinity. *Anahuac* at the mouth of the Trinity.

GALVESTON.—In 1836, there was hardly one arrival in a month of shipping at the port. In 1837, there were but seven houses on the island. In May 1839, there were thirty sail of vessels in the harbour at one time; three steamers plying regularly between it and New Orleans, and the same number between it and Houston. A brig arrived from Boston (a voyage of 3,000 miles), with 150 tons of ice, to cool the beverage of the citizens, and otherwise minister to their comfort. There were about 300 houses, sprinkled over a large surface, and a closely-packed population of more than 2,000 souls. Two wharfs were in progress, and a pier and mole commenced. The public buildings, which were, as might be expected, on a small scale, were a custom-house, court-house, gaol, commissariat and naval storehouse, market, magazine, armoury, arsenal, and hospital. Two hotels were in existence, and three in progress. There were three large warehouses and fifteen retail stores, six licensed taverns and coffeehouses, two printing offices, reading rooms,

consul's, lawyers', doctors', notaries public, and magistrates' offices; druggists', confectioners', and fruit stores, bakeries, slaughter and oyster houses, and shops occupied by carpenters, masons, painters and glaziers, cement and wooden cistern makers, turners, cabinet makers, ship joiners and plumbers, sail makers and riggers, tin and sheet iron manufacturers, black-smiths, gun-smiths and armourers, watch and trinket menders, saddle and harness makers, cordwainers, tailors, milliners and dressmakers, barbers; also boarding houses and private houses, and several lumber yards, replete with materials to build more.

As a fact illustrative of the "go-a-head" principle, I was informed that the timber of a frame-house, containing 20,000 dollars' worth of goods, had been growing in the State of Maine ninety days before.

Galveston has been selected by the French government as a point of mail communication between France and America. Two principal lines are to be opened, by steam vessels of 450-horse power, to communicate with the West Indies, Cuba, and Brazil; and these are to be continued by three secondary lines, with steamers of 220-horse power. The first to Mexico, touching at Vera Cruz, Tampico, Galveston, and New Orleans. Galveston is the seat of county jurisdiction.

Bolivar—on Point Bolivar, opposite Galveston.

Virginia, Austinia, San Leon, and New Washington—on the western shore of the Galveston Bay.

Lynchburg and Harrisburg—on Buffalo Bayou.

Houston (a county seat)—situated at the head of navigation, on Buffalo Bayou, contained about 5,000 inhabitants in 1839. Little more than two years before, it was not in existence.

Velasco and Quintana—at the mouth of the Brazos;

towns of considerable importance and trade, and great places of resort during the summer.

Brazoria, Columbia, Richmond, San Felipe de Austin, and Washington—old towns on the Brazos, and places of trade for their respective vicinities. Brazoria, Richmond, Austin, and Washington are county seats.

Bolivar and Monticello—new towns on the Brazos; Bolivar is at the western termination of the Galveston bay and Brazos railroad.

Liverpool—on Chocolate Bayou; a central spot off the above-mentioned railroad.

Tenoxtitlan, Nashville, and Milam—on the Upper Brazos, at present inconsiderable towns. Nashville is a county seat.

Calhoun—a new town, recently laid off by the government, on the eastern end of Matagorda island.

Palacios and Austin—two new towns on Half-moon point of Matagorda bay. They have the advantage of good water and a secure harbour.

Matagorda—a considerable town at the mouth of the Colorado river. It has been a long time settled, and has a good trade with the surrounding country. It is the county seat.

Columbus, La Grange, and Colorado city—towns on the Colorado, at about the head of navigation. Columbus is a county seat.

Bastrop (a county seat)—on the Colorado, at the crossing of the San Antonio road, formerly known as the town of Mina. It is already of a respectable size.

Austin—on the Colorado, thirty-seven miles above Bastrop. Selected in April 1839 as the permanent seat of government. The site chosen by the commissioners has a front on the Colorado river exceeding three miles in breadth. It contains 7,735 acres of land, and cost the Republic 21,000 dollars, it being private property. Nearly the whole front is a "bluff," with an elevation of from thirty to forty feet—the termination of a prairie, comprising about 2,000 acres, composed of a sandy loam, intersected by two

pure and perennial rivulets. About two miles distant from Austin are the mountainous breaks of the table lands, which are of limestone formation, and are covered to their summits with live oak and dwarf cedar. The site was chosen with a view to its commercial advantages. When a communication shall be opened between Santa Fé and the ports of Texas, and between the Red River country and Matamoros, Austin will form the point of intersection to the two lines. On the 2nd of May, 1839, an agent and workmen left Houston to lay off the city, and construct houses for the reception of the government at its new seat. In October, the executive removed thither, and the next session of Congress was held there.

I take the following extract from Bonnell's Topography of Texas, *a book published in Austin, in the month of April* 1840:—

"The public buildings are not elegant, but very comfortable, and appropriate for a new government. Among them the President's house stands conspicuous. It is situated upon a hill, and has a very commanding prospect over almost every portion of the city, and a view of the mountains, and the beautiful and picturesque country upon the west side of the river. The temporary capitol is situated upon another hill, about 300 yards from the President's house. It is a large one-story frame building, very commodious, and will answer all the purposes for which it was intended, until the government shall be able to erect a more elegant and costly building.

"Congress has passed a law for the erection of a fire-proof building for the use of the General Land Office and the State Department. It has been contracted for, and will doubtless be finished in the course of the summer.

"A large three-story brick hotel has been commenced, and is to be completed by the fall of 1840. The buildings are generally of a much better description than are usually built in new countries, and the improvement of the city has progressed with a rapidity heretofore unknown, even in this

country. It contains about 400 houses and 1,200 inhabitants. A Presbyterian church has been commenced, and I understand the Methodists have one under contract. The city contains two newspapers.

"The Colorado opposite the city runs nearly east and west. Like the ancient city of Rome, Austin is built upon seven hills, and it is impossible to conceive of a more picturesque and lovely situation. The streets are generally composed of gravel, which effectually protects them from mud at all seasons of the year. The gravel is generally composed of silex: but agate and cornelian of the finest quality are found in great abundance about the city. Here also are found great varieties of marine shells, oysters, conch, and almost every variety which are found upon the sea shore."

Linville, Cox's Point, and Dimitt's Landing—new towns on the La Baca bay.

Texana—a considerable town near the junction of the La Baca and Navidad rivers. Texana is the seat of Jackson county.

Victoria and Gonzalez—on the Guadalupe river, are old towns. The latter was destroyed by the enemy during the war, but is still inhabited. Both are seats of county jurisdiction.

Seguin is a new town on the Guadalupe, above Gonzalez.

Goliad—a county town, on the San Antonio river.

San Antonio de Bexar—on the San Antonio river above the mouth of the Medina. A county seat.

Avoca—a new town at the head springs of the San Antonio river. The scenery around it is surpassingly beautiful.

Refugio—a county seat on a tributary of Aransas Bay.

Aransas—the port of entry for Aransas Bay, situated on Live Oak Point. This town is already one of much note, and has received a large share of public attention. It is very eligibly located, and has much trade with Mexico.

Lamar, Port Preston, and Copano—the two former are new towns on Aransas Bay, the first on Point Lookout and the second on Melon Bay, a small arm of Aransas

Bay. Copano has long been a landing-place for goods destined for the interior.

San Patricio—the county seat on the Nueces.

Loredo—upon the left bank of the Rio Grande and at the crossing of the San Antonio and Saltillo road, contains about 600 inhabitants, almost entirely Mexicans. A road runs up the bank of the Rio Grande to Santa Fé, and there are a considerable number of Mexican villages along the line.

Santa Fé is the centre of an important trade between Mexico and the United States. It stands on a vast green plain within half a mile of the mountains, and the low, mud-built houses present at a distance the appearance of a cluster of mole-hills.

"In the centre of the town," says a late visitor of Santa Fé, "is a square about 300 yards in extent, one side of which is occupied by public offices and military quarters, and the other three are used for shops for the sale of goods from the United States, which are chiefly vended by Americans.

"The apartments are of various lengths, but never exceeding twenty feet in width (the church alone is an exception), and across the walls from side to side are stretched sometimes good hewn timber, sometimes rude branches, according to the means of the builder. Over these is laid a thick covering of grass and straw, and, upon this, earth is piled from one to two feet deep, which forms the roof. A very pleasing effect is produced by the grass growing on the tops of the houses; and as all the dwellings are connected, it is not uncommon to see children chasing each other the whole length of a street along the house-tops.

"The interior of one of these mud-built houses, particularly when arranged with the assistance of American taste, forms a very comfortable, and by no means inelegant dwelling. In winter it is warm, in summer cool; and, in these respects, a Santa Fé dwelling is even preferable to an American brick or frame residence. In some of the better houses, you will find an apartment set apart as a

parlour, this invariably being also the sleeping-room; during the day the beds are folded close up to the walls, and covered with the handsome (sometimes really beautiful) Spanish blankets, forming a succession of sofas all around the room. The walls are well whitewashed, and papered only high enough to keep the wash from rubbing off upon your clothes, while mats and sometimes blankets are made to serve the use of carpets as well as table-cloths and bed-covers. These blankets are the chief sign of wealth among the people, and their elegance and number form the pride of every housekeeper; the best of them are so closely woven that they can be used for holding water, and the bright colours that never fade are mingled through them generally with very tasteful and ingenious disposition."

INCORPORATED TOWNS.—Galveston, Houston, San Antonio de Bexar, Matagorda, Austin, and other leading towns of Texas, are incorporated, according to the municipal system of the United States. The powers conceded to the local authorities are extensive. There are chambers of commerce in Galveston, Houston, and Matagorda.

The following rate of charges for transacting business was adopted by the Matagorda Chamber of Commerce on the 12th of November, 1839:—

		Dollars.	
1.	On all sales of foreign merchandise	7½	per ct.
2.	On all sales of home produce	5	„
3.	For guaranteeing sales	2½	„
4.	On purchase and shipment of produce with funds in hand	2½	„
5.	For collecting and remitting funds	5	„
6.	Purchase or sale of vessel	2½	„
7.	Procuring freights	5	„
8.	Collecting freight bills	2½	„
9.	Transacting vessel's business as agent, under fifty tons	20	„
	Ditto, fifty tons and over	30	„

	Dollars.
10. On all disbursements	2½ per ct.
11. Cash advances on produce, with bill of lading	2½ „
12. For cash advances made on goods in possession, for freights, &c. . . .	5 „
13. For storage on all goods consigned either for sale or forwarding—1st month .	5 c. foot.
Ditto, 2nd month	2½ „
14. Commissions for receiving and forwarding goods	5 c. foot.
15. Commission for receiving and shipping cotton	25 c. bale.
16. All consignments of goods, wares, or merchandise, when withdrawn from the consignee, must pay full commission on advances and responsibilities, and ½ per cent. on invoice value.	

Law and Medicine.—An act approved on the 26th of January 1839, regulates the admission and practice of attorneys and counsellors-at-law. The profession is on the same footing generally as in the United States. The practitioner must be a citizen of the Republic, and make an open declaration on oath of fidelity to the Constitution and laws, and the interests of his clients.

"Any person wishing to obtain licence to practise law shall make application to the Judge of a District Court, or to the Chief Justice of the Supreme Court, and on giving satisfactory and undoubted testimonials of good reputation for moral character and honest and honourable deportment, and that he is twenty-one years of age; if in vacation, the said Judge shall proceed to the examination of such applicant, and, on being satisfied of his legal attainments, the judge shall give to such applicant a certificate or licence, which shall expire at the next term of the court, at which

time the said judge shall appoint three distinguished lawyers, who shall, on a day set by the court, proceed in open court to examine the said applicant, and on their satisfaction of his legal qualifications, any two of them shall, on the morning of the next day, return to the clerk a certificate of the same; and thereupon the said judge shall order the clerk to give to said applicant a licence under his hand and the seal of the court, to practise as an attorney and counsellor-at-law in all the courts of law and equity in this Republic."

Every person practising without a licence, to forfeit 500 dollars for every cause he undertakes.

By an act of the 14th of December, 1837, the appointment of a board of Medical Censors was authorised, for regulating the practice of the profession in the Republic. The board was empowered to examine applicants and to grant licences upon satisfactory evidence of qualification. Single members of the board might grant temporary licences at a charge of 20 dollars each, until a meeting of the body afforded opportunity for examination. All moneys obtained for licences were to be appropriated as the board might deem proper.

The following scale of charges has been adopted by the Medical and Surgical Society of Houston :—

Rate of Charges for Professional Services in Practice.

When first called to a patient, the charge for one visit shall be five dollars.

For every succeeding visit, three dollars.

After nine o'clock, P. M., the charges for professional visits shall be doubled in all cases.

For visits out of the limits of the city, an extra charge of one dollar a mile during the day, and two dollars a mile at night.

For a visit on consultation, the sum of twenty dollars shall be charged. For advice and prescription in the office, five dollars.

For cases of such importance as to require the attendance of the physician a considerable length of time, an extra charge of three dollars per hour shall be made for such detention.

For venesection, two dollars extra.

For the extraction of a tooth, two dollars extra.

For cupping, five dollars extra.

The more important operations of surgery shall be charged according to the danger and difficulty attending the operation.

When a visit is made to several individuals of the same family, a charge for only one visit shall be made, but an extra charge of one dollar for prescribing for each patient shall be allowed; provided, however, that when persons are not actual members of the family, but only in the employ, this deduction will not be made.

For medicines furnished by the physician, a charge of fifty cents for every dose shall be made.

COMMERCIAL POSITION AND PROSPECTS OF TEXAS.

The geographical position of Texas is eminently favourable to the growth and extension of a profitable commerce. Its rivers and railway facilities will enable the traders and agriculturists of the interior to forward to the coast all their disposable articles cheaply and expeditiously, and, in addition to the European markets for cotton, peltries, and timber, they will have the United States, Mexico, Cuba, and the West Indies to consume every description of surplus produce.

Measures are now in progress for diverting the overland trade between the United States and Mexico to Texas; and these measures, which are of

great importance to England, will certainly effect their object.

In the year 1825, the United States took the necessary steps for opening a trading communication between St. Louis in Missouri and Santa Fé in New Mexico. At the latter place, the traders from the north of Mexico meet the traders from the United States, to make an exchange of commodities; the former purchasing the manufactured articles of the latter with valuable peltries and gold and silver; to which, in the case of Texas, horses and cattle would be added. A considerable amount of specie reaches the United States in this way. Almonte estimated the annual amount of this trade, in 1834, at above 2,000,000 of dollars. Its importance is evident from the rapid progress of St. Louis, at which the number of steam-boat arrivals in 1839 was 1589.

From St. Louis, in Missouri, to Santa Fé, the distance is 1,200 miles, over a bad road, amidst numerous tribes of predatory Indians, by whom the traders are frequently attacked and robbed. With the larger caravans, the United States' Government usually despatch an escort of cavalry: 200 dragoons were sent for the protection of one body of traders in 1839. Some of the goods are carried up the Missouri river to Independence, near the western frontier of the state of Missouri, whence they are conveyed to their destination overland: others are shipped to Van Buren, a town far up the Arkansas river, near the western line of the territory of Arkansas, from which there is a road to Santa Fé, about 800 miles in length.

There are two lines by which Texas can obtain

the command of this trade—by opening one communication with Santa Fé, and another with the Presidio del Rio Grande. From Austin to Santa Fé, a road may easily be opened over a rich, rolling, well-watered country. There is already a road between Copano and San Antonio de Bexar, which only requires to be improved and continued to the Rio Grande, to secure an active trade with Durango and Chihuahua. The traffic would, in a few years, attain a magnitude that would justify the investment of capital in railways. In the mean time, available roads may be opened at a trifling expense, such being the face of the country, except in the mountainous districts, that little more is necessary than to mark the line of route, establish ferries, and throw bridges over the smaller streams.

The greater part of the goods for this trade are purchased in Philadelphia, thence transported over land to Pittsburgh, shipped thence by steam-boat for St. Louis, thence conveyed in waggons to Santa Fé, where, to realise a profit, they must be sold at enormous prices. When Texas is in possession of the traffic, the requisite manufactures will be shipped to her ports in European vessels; thus securing lucrative employment to the ship-owners, merchants, and manufacturers of Europe. The French have made tempting overtures to the Texan Government, on condition of obtaining exclusive privileges in the trade, while people in this country are echoing the calumnies of the pro-tariff States of the American Union against Texas, and denouncing her attempts to raise the funds necessary to restore her depreciated currency, the direct effect of which restoration

would be to open a new and highly productive field of enterprise to the capital and operative industry of Britain.

Unless the grossest folly should govern the movements of both, the enjoyment of peace and prosperity by Texas will be productive of the most signal benefits to Mexico and England. The energies of an enlightened people will show the Mexicans the value of the gifts which Nature has lavished upon their soil; by position and example that people will rescue them from the consequences of a barbarous policy; and English manufactories—with the principles of free trade predominant—will supply untaxed clothing for the naked millions that have pined in hopeless indigence since the days of Cortez.

APPENDIX.—N°. I.

THE

CONSTITUTION

OF THE

MEXICAN UNITED STATES

THE Supreme Executive Power, provisionally appointed by the general Sovereign Congress of the Nation, to all who shall see these presents, *Know, and understand,* That the same Congress has decreed and sanctioned the following

FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES.

In the name of GOD, all powerful, Author and supreme Legislator of society. The general constituent Congress of the Mexican Nation, in the discharge of the duties confided to them by their constituents, in order to establish and fix its political Independence, establish and confirm its Liberty, and promote its prosperity and glory, decree as follows:—

CONSTITUTION OF THE UNITED MEXICAN STATES.

TITLE 1st. ONLY SECTION.—*Of the Mexican Nation, its Territory and Religion.*

ARTICLE 1. The Mexican Nation is for ever free and independent of the Spanish Government, and every other power.

2. Its Territory consists of that which was formerly called the vice-royalty of New Spain, that styled the captain generalship of Yucaton, that of the commandant generalship formerly called the Internal Provinces of East and West, and that of Lower and Upper California, with

the lands annexed, and adjacent islands in both seas. By a constitutional law, a demarcation of the limits of the Federation will be made as soon as circumstances will permit.

3. The Religion of the Mexican Nation is, and will be perpetually, the Roman Catholic Apostolic. The Nation will protect it by wise and just laws, and prohibit the exercise of any other whatever.

TITLE 2nd. ONLY SECTION.—*Form of Government of the Nation, of its integral parts and division of Supreme Power.*

4. The Mexican Nation adopts for its Government the form of Republican representative, popular Federal.

5. The parts of this Federation are the States and Territories as follows, &c. :—

6. The supreme power of the Federation will be divided, for its exercise, into Legislative, Executive, and Judicial.

TITLE 3rd. SECTION 1st.—*Legislative Power, of its nature and the mode of exercising it.*

7. The legislative power of the Federation shall be disposed in a General Congress; this is to be divided into two houses, one of Deputies (Representatives), and the other of Senators.

SECTION 2nd.—*Of the House of Representatives.*

8. The House of Representatives shall be composed of representatives elected totally every two years, by the citizens of the States.

9. The qualifications of the electors shall be constitutionally prescribed by the Legislatures of the States; to whom, likewise, appertains the regulation of the elections, in conformity with the principles established by this Constitution.

10. The general basis for the appointment of representatives shall be the population.

11. For every 80,000 souls one representative shall be appointed, or for a fraction which passes 40,000. The State which may not contain this population shall, notwithstanding, appoint one representative.

12. A census of the whole Federation, which shall be formed in five years and renewed every ten, shall serve to designate the number of Deputies corresponding to each

State; and in the mean time it shall be regulated agreeably to the basis established in the former Article, by the census which governed in the election of Deputies in the present Congress.

13. In the same manner shall be elected in each State the necessary number of supernumerary representatives, in the ratio of one for every three full representatives, or for a fraction amounting to two; the States which may contain less than three full representatives shall elect one supernumerary.

14. The Territory which may contain more than 40,000 inhabitants shall appoint a full representative and one supernumerary, who shall have a voice and vote in the formation of laws and decrees.

15. The Territory which may not contain the foregoing number of population shall appoint one full representative and one supernumerary, who shall be entitled to a voice in all matters. The election of Representatives for the Territories shall be regulated by a special law.

16. In every State and Territory of the Federation, the appointment of Representatives shall be made on the first Sunday in October previous to its renovation. The election to be indirect.

17. The election of Representatives concluded, the electoral College shall remit through their President to the Council of Government a legal return of the election, and notify the elected of their appointment by an official letter, which shall serve as a credential of election.

18. The President of the Council of Government shall give to the returns, referred to in the preceding Article, the direction prescribed by the regulations of said Council.

19. To be a Representative it is required—First, To be at the time of the election, twenty-five years of age, complete. Second, to have been a resident of the State, from which elected, at least two years, or born in the State, although a resident in another.

20. Those not born in the Territory of the Mexican Nation, to be Representatives, must have, besides eight years' residence in it, 8000 dollars of real estate in any part of the Republic, or an occupation that produces them 1000 dollars per year.

21. Exceptions to the foregoing Article—First, Those born in any other part of America, that in 1810 appertained to Spain, and has not united itself to another nation, nor

remains subject to the former, to whom three years' residence in the Territory of the Federation is sufficient, in addition to the requisites prescribed in the 19th Article. Second, for the military not born in the Territory of the Republic, who, with arms, sustained the independence of the country, eight years' residence, complete, is sufficient, and the requisites prescribed in the 19th Article.

22. In the election of Representatives, actual residence shall have preference over birth and non-residence.

23. Those cannot be Representatives—First, Those deprived or suspended from the rights of citizenship. Second, The President and Vice-President of the Federation. Third, The members of the Supreme Judicial Court. Fourth, Secretaries of the Cabinet and the officers of their departments. Fifth, Those employed in the Treasury, whose functions extend over the whole Federation. Sixth, Governors of States and Territories, Commandant Generals, Archbishops and Bishops, Governors of Archbishoprics and Bishoprics, Provisors and Vicar Generals, Circuit Judges, Commissary Generals of treasury and war, for the States and Territories over which they exercise their functions.

24. In order that any persons enumerated in the foregoing Article may be eligible, it is necessary they should have ceased their functions six months previous to their election.

Section 3d.—*Of the Senate.*

25. The Senate shall be composed of two Senators from each State, elected by an absolute majority of the votes of the Legislatures, and renewed by one-half every two years.

26. The seats of the Senators appointed in the second place, shall be vacated in two years, and the first appointed in four years, and so on in succession.

27. When a vacancy occurs by death, resignation, or other cause, it shall be filled by the corresponding Legislature in session; if not, as soon as it meets.

28. To be a Senator, it is necessary to possess all the qualifications required by the former Section to be a Representative, and moreover, to be at the time of election thirty years of age.

29. No person can be a Senator who is disqualified from being a Representative.

30. In the election of Senators, the 22d Article shall also govern.

31. When the same individual is elected for a Senator and Representative, the first election shall have the preference.

32. The periodical election of Senators shall be made in all the States on the same day, which shall be the first day of September previous to the renewal of half the Senators.

33. The election of Senators concluded, the Legislature shall remit a legal return through their President to the President of the Council of Government; and notify the elected of their appointment, by means of an official letter, which shall serve them as credentials. The President of the Council of Government shall give the direction to these returns, indicated in the 18th Article.

SECTION 4th.—*Of the Individual Functions of both Houses, and Prerogatives of their Members.*

34. Each House in its preparatory meeting, and in every thing appertaining to its government, shall follow the rule formed by the present Congress; provided that amendments may be made to them in future, should both Houses consider it necessary.

35. Each House shall judge of the elections of its respective members, and resolve all doubts which may occur in them.

36. The Houses cannot open their sessions without the presence of more than the half of the total number of their members; but those present of one and the other must unite on the day appointed for the regulation of the internal government of each, and respectively compel the attendance of the absentees, under the penalties prescribed by the law.

37. The Houses will communicate with one another, and with the Supreme Executive Power, by means of their respective Secretaries, or by means of deputations.

38. Either of the two Houses may sit as Grand Jurors, on accusations. First, against the President of the Federation, for the crime of Treason against the National Independence or the established form of Government, or for subornation or bribery during the time of his service. Second, also, against the President, for acts manifestly intended to impede the election of President, Senators, or Representatives, or to prevent them from entering on the

exercise of their duties in the manner prescribed in this Constitution, or to deprive the Chambers of the use of any of the powers constitutionally vested in them. Third, against the members of the Supreme Court and the Secretaries of the departments, for any crime committed during the time of their service. Fourth, against the Governors of the States, for infractions on the Federal Constitution, laws of the Union, or orders of the President of the Federation, which may not be manifestly contrary to the Constitution and general laws of the Union, and likewise by the publication of laws and decrees of the Legislatures of their respective States, contrary to the same constitution and laws.

39. The House of Representatives will exclusively form a Grand Jury, when the President or his ministers may be accused of acts in which the Senate or the Council of Government have concurred by reason of its attributions. The House will, in the same manner, serve as a Grand Jury, in cases of accusation against the Vice-President for any offence committed during the term of his service.

40. The House, before which has been made the accusations of the individual spoken of in the two preceding articles, will form itself in a Grand Jury; and if it is declared, by the vote of two-thirds of the members present, that there is cause of accusation, the functions of the accused shall be suspended, and he shall be placed at the disposition of the competent tribunal.

41. Any Representative or Senator can make any propositions in writing, or present projects of a law or decree in his respective chamber.

42. The Representatives and Senators shall be inviolable for the opinions manifested in the discharge of their duties, and never can be called to account for them.

43. In all criminal prosecutions instituted against Senators or Representatives, from the time of their election until two months after the expiration of their term of service, the former shall be accused before the Chamber of the latter, and the latter before that of the former; each Chamber composing a Grand Jury respectively for this object.

44. If the Chamber sitting as a Grand Jury, in the cases referred to in the last Article, declare by a vote of two-thirds of the members present, that there is cause for accusation, the accused shall be suspended, and placed at the disposition of the competent tribunal.

45. The emoluments of the Representatives and Senators shall be determined by law, and paid from the general treasury of the Federation.

46. Each House, and also the meetings spoken of in the 36th Article, shall have power to deliver such orders as they may deem necessary to carry their resolutions into effect, issued by virtue of the functions granted to each by the 35th, 36th, 39th, 40th, 44th, and 45th Articles of the Constitution, and the President of the United States shall cause them to be executed without making any observations upon them.

SECTION 5.—*Of the Faculties of the General Congress.*

47. Every resolution of the general Congress shall have the character of a law or decree.

48. The resolutions of the general Congress, to be entitled to the force of law or decree, must be signed by the President, except in cases otherwise provided in this Constitution.

49. The laws and decrees which emanate from the general Congress shall have for object—First, to sustain the National Independence, and provide for the national security and preservation of its exterior relations. Second, to preserve the Federal Union of the States, and the peace and public order of the interior of the Federation. Third, to maintain the independence of the States amongst themselves, in all that relates to their interior government, in conformity to the Constitutional Act, and this Constitution. Fourth, to sustain the proportional equality of obligations and rights, which the States are entitled to before the law.

50. The exclusive faculties of the general Congress are the following:—First, promote education, assuring for a limited time exclusive rights to authors for their respective works; establishing Colleges for marine, artillery, and engineers; erecting one or more establishments in which are to be taught natural, political, and moral sciences, noble arts, and the languages, without prejudice to the power which the Legislatures have to regulate public education in their respective States. Second, promote the general prosperity, by opening and improving roads and canals, without impeding the States in the improvement of theirs; establishing mails and post-offices, and securing for a limited time exclusive right to the inventors, improvers, or introducers of any branch of industry, for their respective

inventions, improvements, or new introductions. Third, protect and regulate the political liberty of the press, in order that its exercise may never be suspended, and much less abolished, in any of the States and Territories of the Federation. Fourth, admit new States to the Federal Union or Territories, incorporating them in the Nation. Fifth, regulate definitively the limits of the States, when they cannot agree among themselves about the demarcation of their respective districts. Sixth, form States out of Territories, or unite them to those already existing. Seventh, unite two or more States, by a petition of their Legislatures, to form one only, or form a new one from the limits of those that already exist, with the approbation of three-fourths of the members present of both Houses, and a ratification of an equal number of the Legislatures of the other States of the Union. Eighth, fix the general expenses, establish the necessary contributions to cover them, regulate their collection, determine the inversion, and take annually accounts thereof from the Government. Ninth, contract debts upon the credit of the Federation, and designate guarantees to cover them. Tenth, acknowledge the National debt, and designate means for its consolidation and payment. Eleventh, regulate the commerce with foreign nations, and among the different states and tribes of Indians. Twelfth, give instructions to celebrate covenants with the Apostolic Chair, approve them for their ratification, and regulate the exercise of the patronage in all parts of the Nation. Thirteenth, approve treaties of peace, alliance, friendship, federation, armed neutrality, and whatsoever others which the President of the United States may celebrate with foreign powers. Fourteenth, to establish all kinds of ports, custom-houses, and designate their locations. Fifteenth, determine and regulate the weight, standard, value, type, and denomination of money in all the States of the Federation, and adopt a general system of weights and measures. Sixteenth, declare war after examining the data prescribed by the President of the United States. Seventeenth, form regulations relative to granting letters of marque and reprisal, and to declare good or bad captures by sea and land. Eighteenth, designate the armed force of sea and land, fix the respective quota of men to each State, and give orders and regulations for their organization and service. Nineteenth, form regulations to organize, arm, and discipline the local militia of the State, reserving to each one the ap-

pointment of their respective officers, and the faculty of training them conformably to the discipline prescribed by said regulations. Twentieth, to grant or deny the entrance of foreign troops into the Territory of the Federation. Twenty-first, permit or not the station of squadrons of any other power, for more than one month, in the Mexican ports. Twenty-second, permit or not the departure of National troops without the limits of the Federation. Twenty-third, create or suppress public offices of the Federation, designate, augment or diminish their emoluments and pensions. Twenty-fourth, grant premiums and recompenses to corporations or persons who have rendered important services to the Republic, and decree public honours to the posthumous memory of great men. Twenty-fifth, grant amnesty or pardon for crimes, the cognizance of which appertains to the tribunal of the Federation, in the cases and with the previous requirements prescribed by law. Twenty-sixth, to establish a general law of naturalization. Twenty-seventh, to give uniform laws in every State on the subject of bankruptcies. Twenty-eighth, to select a place to serve as a residence for the Supreme Powers of the Federation, and exercise within its limits the attributions of the legislative powers of the State. Twenty-ninth, to change such residence when they may deem it necessary. Thirtieth, give laws and decrees for the regulation of the interior administration of the Territories. Thirty-first, dictate all the laws and decrees that may be conducive to fulfil the object spoken of in the 49th Article, without interfering with the interior administration of the State.

SECTION 6th.—*Formation of the Laws.*

51. The formation of laws and decrees can proceed indiscriminately from either of the two Houses, with the exception of those which arise from contributions or imposts, which cannot have origin except in the House of Representatives.

52. There shall be considered as incipients of law or decree—First, the propositions which the President of the United Mexican States may deem conducive to the general good of society, and as such, particularly recommend them to the House of Representatives. Second, the propositions or plans of laws or decrees which the Legislatures may direct to either House.

53. All projects of a law or decree, without any excep-

tion, shall be successively discussed in both Houses, observing in each with exactitude the rules relative to the form of debates, interval and mode of proceeding in discussing and voting.

54. The projects of a law or decree rejected in the House where it originated, before being sent to the other House, shall not be renewed in the same House by its members in the sessions of that year, but must remain until the following year.

55. If the project of a law or decree, after having been debated, should be approved by the absolute majority of the members present of both Houses, it shall be passed to the President of the United States, who also, if he approve it, shall sign and publish it, and if not, return it, with his observations, within the term of ten days (Sundays and solemn festivals excepted), to the House of its origin.

56. The project of a law or decree, returned by the President in conformity with the preceding Article, shall be a second time discussed in the two Houses. If in both of these it should be approved by two-thirds of the members present, it shall be again returned to the President, who, without excuse, must sign and publish it; but if it was not approved by the vote of two-thirds of both Houses, it cannot be renewed in either of them until the next year.

57. If the President does not return any project of a law or decree within the time prescribed in the 55th Article, it shall, from that circumstance, be considered as sanctioned, and as such shall be promulgated, unless in the mean time the session of Congress should be closed or suspended, in which case the return must be made on the first day in which Congress shall be re-assembled.

58. The project of a law or decree, totally rejected for the first time by the House to which it has been sent, shall be returned with their observations to the one in which it originated: if after a re-examination the said House shall again approve of it by a vote of two-thirds of the members present, it shall be sent a second time to the House that rejected it, who cannot a second time reject it without the concurrence of two-thirds of the members present.

59. The projects of a law or decree, approved of after a second revision by two-thirds of the members of the House where it originated, and not rejected by two-thirds of the members of the other House, shall be sent to the President, who shall sign and publish it, or return it within ten days

(Sundays, &c. excepted) to the House where it originated, with his observations.

60. The project of a law or decree, which, according to the foregoing Article, the President returned to the House of its origin, shall be again taken into consideration, and if this approve it by a vote of two-thirds of the members present, and the revising body does not reject, by an equal number of its members, it shall be returned to the President, who must publish it. But if it was not approved by the vote of two-thirds of the House of its origin, or was rejected by an equal number of the revising body, it cannot be renewed until the ordinary subsequent sessions.

61. In the event of the rejection a second time of the revising body, in conformity with the 58th Article, the project shall be considered rejected, and cannot be reconsidered until the following year.

62. In the amendments which the revising body make to any project of a law or decree, there shall be observed the same formalities required before the project of a law can be sent to the President.

63. The parts of a project of a law or decree rejected for the first time by the revising body, shall take the same course as those totally rejected by it for the first time.

64. In the interpretation, modification, or revocation of the laws or decrees, the same requisites shall be observed which are prescribed for their formation.

65. All resolutions of the general Congress communicated to the President of the Republic, must be signed by the President of both Houses and by a Secretary of each one of them.

66. For the formation of every law or decree, it is necessary that an absolute majority of all the members of each House should be present in their respective Houses.

SECTION 7th.—*Of the time, duration, and place of the Sessions of the General Congress.*

67. The General Congress shall meet every year on the first day of January at the place designated by law; its internal rules shall prescribe the previous forms necessary at the opening of its sessions, and the formalities which are to be observed at its installation.

68. The President of the Federation shall assist at the installation, and pronounce a discourse analogous to this

important act, and the person who presides in Congress shall answer it in general terms.

69. The ordinary sessions of Congress shall be daily, without any other interruption than that of the days of solemn festival; and in order to adjourn for more than three days, the consent of both Houses shall be necessary.

70. Both Houses shall reside in the same place, and cannot move to another, without first agreeing on the removal, the time and manner of effecting it, designating the same point, for the reunion of one and the other. But if they agree on a removal, and differ as to the time, mode, and place, the President of the States shall determine the difference, electing one of those in question.

71. The Congress shall close its sessions annually on the 15th day of April, with the same formalities as are prescribed for its opening, proroguing the session thirty days (Sundays and solemn festivals excepted) when they may deem it necessary, or when the President of the Federation requires it.

72. When the General Congress is assembled for extraordinary sessions, it shall be formed of the same Representatives and Senators as the ordinary sessions of that year, and shall occupy itself exclusively on the object or objects for which it was convened; but if these should not be completed on the day in which the ordinary sessions are to commence, the extraordinary sessions shall cease, and the subject pending shall be determined by Congress in said ordinary sessions.

73. The resolutions that the Congress takes relative to the removal, suspension, or prorogation of their sessions, agreeably to the three preceding Articles, shall be communicated to the President, who shall cause them to be executed without making any observations upon them.

Title 4th. Section 1st.—*Of the Supreme Executive Power of the Nation.*

74. The supreme executive power of the Federation shall be deposited in one individual, who shall be styled *President of the United Mexican States.*

75. There shall likewise be a Vice-President, on whom will devolve the faculties and prerogatives of the President, in case of his physical or moral inability to serve.

76. To be President or Vice-President, it is required to

be a Mexican citizen by birth, thirty-five years of age at the time of the election, and to be a resident in the country.

77. The President cannot be re-elected for this office, until after four years are passed from the time of his retirement.

78. He that is elected President or Vice President of the Republic, shall accept these offices in preference to any others.

79. The first day of September, anterior to the year in which the new President must enter on the exercise of his duties, the Legislatures of each, state shall elect by an absolute majority of votes two individuals, one of which, at least, must not be a native of the State that elects.

80. The voting concluded, the Legislatures shall remit to the President of the Council of Government, a legal return of the election, in order that he may give it the course designated by the rules of the Council.

81. The sixth of January afterwards, the said returns shall be read in presence of both Houses united, provided those of three-fourths of the Legislatures of the States have been received.

82. The reading of the said returns concluded, the Senators shall retire, and a committee appointed by the House of Representatives, and composed of one for each State of those that have representatives present, shall revise them and render an account of the result.

83. The House shall then proceed to class the elections and enumerate the votes.

84. He who has an absolute majority of the votes of all the Legislatures shall be the President.

85. If two should have said majority, he shall be President who has the most votes, and the other the Vice President. In case of a tie with said majority, the House of Representatives shall elect one of the two for President and the other shall be Vice President.

86. If no one should have the absolute majority of the votes of the Legislatures, the House of Representatives shall elect the President and Vice President, choosing in each election, one of the two who had the greatest number of suffrages.

87. When more than two individuals have a respective majority and equal number of votes, the House shall choose from them the President or Vice President as the case may be.

88. If one has received the respective majority, and two or more have an equal number of suffrages, but greater than the others. the House shall elect from among those who have the greatest number of votes.

89. If all have an equal number of votes, the House shall elect from among them all the President and Vice President, doing the same when one has a number of suffrages and the others an equal number.

90. If there should be a tie upon the voting of the classing of the elections made by the Legislatures, the vote shall be repeated once, and if it should result in a tie, shall decide it by lot.

91. In the competitions be'ween three or more that have an equal number of votes, the voting shall be directed to the reduction of the competitors to two or one, in order that in the election he may contend with the other, that may have obtained a relative majority over all the others.

92. For a general rule in voting relative to the election of President and Vice President, they shall not refer to lots before having made a second vote.

93. The voting on classifications of elections made by the Legislatures, and on those made by the House of Representatives for President and Vice President, shall be made by States, the representation of each one having a single vote, and in order that there may be a decision in the House, it must contain an absolute majority of the votes.

94. In order to deliberate on the objects contained in the foregoing Article, there must be united in the House more than the half of the total number of its members, and be present representatives from three-fourths of the States.

SECTION 2d.—*Duration of the office of President and Vice President, manner of filling the vacancies of both, and their oath.*

95. The President and Vice President of the Federation shall enter upon the discharge of their duties on the first of April, and shall be replaced precisely on the same day every four years by a new constitutional election.

96. If for any motive, the elections of President and Vice-President are not made and published by the first of April, when they ought to take their seats, or those elected should not immediately enter upon the discharge of their duties, nevertheless, the former ones shall go out of office the same day, and the supreme executive power shall be

deposited, provisionally, in a President, that shall be elected by the House of Representatives, voting by States.

97. In case the President should be indisposed, then the provisions in the preceding Article shall have effect, and if both should be at the same time, and Congress not being in session, the supreme Executive Power shall be deposited in the hands of the Chief Justice of the Supreme Court, and two individuals that shall be elected by an absolute plurality of votes by the Council of Government; these are not to be members of the general Congress, and are to have the qualities requisite to be a President of the Federation.

98. Until the elections are made to which the preceding Articles allude, the Chief Justice of the Supreme Court shall be charged with the Supreme Executive Power.

99. In case of the perpetual inability of the President and Vice President to serve, Congress, or in its recess, the Council of Government, will respectively provide according to Articles 96 and 97, and so dispose that the Legislatures proceed to the election of President and Vice-President, according to the forms prescribed by the Constitution.

100. The elections of President and Vice President, made by the Legislatures in consequence of the perpetual inability of those to serve who had been elected for these offices, shall not impede the ordinary elections the first of September every four years.

101. The President and Vice President newly elected, must be on the first day of April, in the place where the supreme powers of the Federation reside; and before both Houses assembled, swear to observe the duties imposed on them under the following form:—

"I, N—, Elected President (or Vice President) of the United Mexican States, swear before GOD and the Holy Evangelists, that I will exercise faithfully the charge the same U. S. have confided in me, and that I will keep, and cause to be kept exactly, the Constitution and general laws of the Federation."

102. If neither the President or Vice President present themselves to swear as the preceding Article provides, and the sessions of Congress being open, they shall swear before the Council of Government as soon as each one presents himself.

103. If the Vice President takes the oath prescribed in Article 101, before the President, he shall enter immediately on the discharge of the duties of President until he shall have sworn.

104. The President and Vice President constitutionally appointed according to Article 99, and those individuals provisionally appointed to exercise the charge of President, according to Articles 96 and 97, shall be sworn as prescribed in Article 101, before both Houses, if assembled, if not, before the Council of Government.

SECTION 3d.—*Of the prerogatives of the President and Vice President.*

105. The President has the power to lay before Congress such propositions or amendments of laws as he may deem conducive to the general good, directing them to the house of Representatives.

106. The President has the power once in the space of ten days (Sundays and solemn festivals excepted) to make observations upon the laws and decrees passed to him by Congress, suspending their publication until the resolution of Congress, except in the cases mentioned in this Constitution.

107. The President, during the time of his administration, cannot be accused, except before either of the Houses, and only in crimes alluded to in Article 38, committed in the time therein expressed.

108. Within one year from the day on which the President ceases his functions, he cannot be accused except before one of the Houses for crimes alluded to in Article 38, or any others committed during the term of his administration, after this he cannot be accused for those crimes.

109. The Vice President, during the four years of his administration, cannot be accused except before the House of Representatives, for whatever crime he commits during the time of his administration.

SECTION 4th.—*Attributions of the President and the restrictions of his faculties.*

110. The attributions of the President are the following: First, to publish, circulate, and cause to be kept the laws and decrees of the general Congress. Second, to give rules, and decrees, and orders for the better observance of the Constitution, constitutional act and general laws. Third, to put into execution the laws and decrees directed to preserve the integrity of the Federation, and to sustain its independence in its exterior, together with its union and liberty in its interior. Fourth, to name and remove freely, Secretaries of the departments. Fifth, to direct the collection of, and decree the inversion of general contribu-

tions agreeably to the laws. Sixth, to name the officers of the Treasury department, and those of the commissary generals, diplomatic ministers, and consuls, colonels and other superior officers of the permanent army, active militia and navy, with the approbation of the Senate, and should it not be in session, with the Council of Government. Seventh, to name all other officers of the permanent army, navy, and active militia, and officers of the Federation, conformably to the laws. Eighth, to appoint, after previous recommendation from the Supreme Court, Judges and Attorney Generals of the circuit and district. Ninth, to grant discharges and licenses, and regulate military pensions according to law. Tenth, to dispose of the permanent armed force by sea and land, and the active militia for the security of the interior and defence of the exterior of the Federation. Eleventh, to dispose of the local militia for the same purposes, but to take them out of their respective States or Territories, it will require the previous consent of Congress, who will also designate the force necessary. Should Congress not be assembled, the consent of the Council of Government will be necessary, and who will also designate the number. Twelfth, to declare war in the name of the United Mexican States, after a previous decree of Congress to that effect, and to grant commissions to privateers in conformity with the laws. Thirteenth, to celebrate covenants with the Apostolic Chair, as designated in clause 12th of Article 50. Fourteenth, to direct diplomatic negociations, and to celebrate treaties of peace, amity, alliance, truce, federation, armed neutrality, commerce, and all others, but to give or deny the ratification of any of them, requires the approbation of the general Congress. Fifteenth, to receive ministers and other envoys from foreign nations. Sixteenth, to request Congress to prorogue their sessions for thirty days, (Sundays, &c. excepted.) Seventeenth, to assemble Congress for extraordinary sessions, as he may deem the case necessary, by the consent of two thirds of the Council of Government present. Eighteenth, also to assemble an extraordinary session of Congress, when the Council of Government shall deem it necessary, and the vote of two-thirds of the members present is given to that effect. Nineteenth, to see that justice is promptly and impartially administered by the Supreme Courts, Tribunals, and inferior courts of the Federation, and that their sentences be executed according to law. Twentieth, to suspend from their employments, for

the space of three months, and deprive one-half of their pay for the same time, all officers belonging to the Federation, violaters of its orders and decrees; and should there be cause for a prosecution against such officers, he shall place the subject before its proper tribunal. Twenty-first, to grant the passage, or retain the decrees of the Ecclesiastical Councils, Pontifical Bulls, Briefs and Rescripts, with the consent of the general Congress, if they contain general dispositions to be laid before the Senate, or in its recess, before the Council of Government, if containing governmental business, and before the Supreme Court of Justice, if it is a subject of litigation.

111. The President, in publishing laws and decrees, shall use the following form: "The President of the United Mexican States, to the inhabitants of the Republic. *Know*, that the general Congress have decreed the following: (here the subject:) Therefore, I command that it be printed, published, and circulated, and that due compliance be given it."

112. The restrictions of the faculties of the President are the following: First, the President cannot take command of the forces by sea or land in person, without the previous consent of the general Congress, or should it not be in session, without the Council of Government, by a vote of two-thirds of the members present. When he takes the command with these requisites, the Vice-President shall administer the Government. Second, the President has not the right to deprive any one of his liberty, nor inflict punishment on any individual; but when the safety of the Federation requires it, he can arrest any person, provided he places the person arrested, within forty-eight hours, at the disposition of the competent judge or tribunal. Third, the President cannot occupy the property of any individual or corporation, or disturb the possession, use, or benefit of it; and should it be necessary for the public good, to take the property of any individual or corporation, it will require the approbation of the Senate, or in its recess, the approbation of the Council of Government, indemnifying the party interested, by the decision of men chosen by the party and the Government. Fourth, the President cannot impede the elections and other acts expressed in the last clause of the 38th Article. Fifth, the President or Vice President cannot leave the territory of the Republic without the consent of Congress, during the discharge of their duties, and for one year after they retire from office.

SECTION 5th.—*Of the Council of Government.*

113. During the recess of Congress there shall be a Council of Government, composed of one-half of the members of the Senate, one for each State.

114. For the first two years, this Council of Government shall be composed of the first members elected by their respective legislatures, and the succeeding year by the oldest members.

115. This Council shall have for President, the Vice-President of the United States, and also have the power to elect a President *pro tem.* to fill the vacancy occasioned by the absence of the other.

116. The attributions of this Council are the following: First, to see that the Constitution is strictly observed, and the constitutional act, and general laws, and to give their advice in any incident relative to these objects. Second, to lay before the President any observations conducive to the better enforcement of the Constitution and laws of the Union. Third, to determine of themselves only, the advice of the President, and the calling of extraordinary sessions of Congress; but in either, it shall require the vote of two-thirds of the counsellors present, as stated in attributions 17 and 18 of Article 110. Fourth, to grant their consent to the calling out of the local militia, in the manner stated in Article 110, attribution 11. Fifth, to approve the appointment of officers designated in attribution six of Article 110. Sixth, to give their consent in the case referred to in Article 112, restriction first. Seventh, to name two individuals who shall, in conjunction with the Chief Justice of the Supreme Court, provisionally exercise the Supreme executive power, as prescribed in Article 97. Eighth, to administer the oath stated in Article 101, to those individuals of the Supreme executive power, in the terms provided in this Constitution. Ninth, to give their opinion on subjects referred to them by the President, by virtue of the 21st faculty of Article 110, and all business wherein he may consult them.

SECTION 6th.—*Of the despatch of Government business.*

117. For the despatch of government business of the Republic, there shall be the number of Secretaries of State which Congress by a law may establish.

118. All the regulations, decrees, and orders of the President, must be signed by the Secretary of State of the de-

partment to which the subject belongs, and without this prerequisite they shall not be obeyed.

119. The Secretaries of State shall give to each House, as soon as their annual sessions are opened, an account of the state of their respective departments.

120. The Secretaries of State shall be responsible for the acts of the President, unauthorized by their signatures, contrary to the Constitution, constitutional act, and general laws and constitutions of the States.

121. To be a Secretary of State it is necessary to be a Mexican citizen by birth.

122. The Secretaries of State shall form a regulation for the better distribution and direction of their duties, which shall be passed by the Government to the Congress for their approbation.

TITLE 5th. SECTION 1st.—*Of the Judicial Power of the Confederation.*

123. The Judicial power of the Federation shall reside in one Supreme Court of Justice, and in the Circuit and District Courts.

SECTION 2nd.—*Of the Supreme Court of Justice, the Election, Term of Service, and Oath of its Members.*

124. The Supreme Court of Justice shall be composed of eleven members divided into three halls, and one Attorney-General. Congress may augment or diminish its number as it may deem necessary.

The following articles to No. 136 refer to the election of the Judges, their qualification and tenure of office. Sections third and fourth relate to the "attributions" of the Supreme Court and "the mode of judging its members."

SECTION 5th.—*Of the Circuit Courts.*

SECTION 6th.—*Of the District Courts.*

SECTION 7th.—*General Rules to which all the States and Territories in the Federation shall conform in the Administration of Justice.*

TITLE 6th. SECTION 1st.—*Of the individual government of the States.*

157. The government of each State shall be divided for its exercise in three powers, Legislative, Executive, and

Judicial, and never can be united two or more of these in one corporation or person, nor the Legislature deposited in one individual.

158. The legislative power of each State shall reside in one Legislature, composed of the number of individuals which their respective constitutions may determine, to be elected popularly, and removable in the time and manner which said constitutions may designate.

159. The person or persons to whom the States confide their executive power, cannot exercise it except for a definite time, which shall be fixed by their respective constitutions.

160. The judicial power of each state shall be exercised by the Tribunals that the Constitution may establish or designate, and all cases, civil or criminal, which appertain to the cognizance of those Tribunals, shall be conducted in them to final judgment and execution.

SECTION 2nd.—*Of the obligations of the States.*

161. Each one of the States is obliged—First, to organize its interior government and administration, without opposing this Constitution nor the constitutional act. Second, to publish by means of their Governors, their respective Constitutions, laws, and decrees. Third, to obey, and cause to be obeyed, the Constitution and general laws of the Union, and treaties made, and those that henceforward may be made, by the supreme authority of the Federation with any foreign Power. Fourth, to protect its inhabitants in the free use and liberty which they have to write, print, and publish their political ideas, without the necessity of license, revision, or approbation previous to publication, always taking care to observe the general laws on the subject. Fifth, to deliver immediately, the criminals of other states, to the authority which reclaims them. Sixth, to deliver the fugitives of other states, to the person that justly reclaims them, or compel them in some other mode to satisfy the interested party. Seventh, to contribute for the consolidation and extinguishment of the debts acknowledged by the general Congress. Eighth, to remit annually to each one of the Houses of Congress, a general, circumstantial, and comprehensive note, of the ingress and egress in all the treasuries they may have in their respective districts, with a relation of the origin of one and the other, of the situation in which are found the branches of industry,

agriculture, commerce and manufactures, of the new branches of industry which they can introduce and extend, designating the means by which it can be obtained, and of their respective population and means of protecting and augmenting it. Ninth, to remit to both Houses, and in their recess, to the Council of Government, and likewise to the Supreme Executive Power, authorised copies of the constitutions, laws, and decrees.

SECTION 3rd.—*Restrictions of the Powers of the State.*

162. None of the States can—First, establish, without the consent of the General Congress, any tonnage duty, nor other port duty. Second, impose, without the consent of the general Congress, contributions or duties on importations or exportations, whilst the law does not regulate it as it must do. Third, hold, at no time, a permanent troop nor vessels of war, without the consent of the general Congress. Fourth, enter into no agreement or compact with any foreign power, nor declare war against them, resisting in case of actual invasion, or in such danger as will not admit of delay, giving immediate notice thereof to the President of the Republic. Fifth, enter into no agreement or compact with other States of the Federation, without the previous consent of the general Congress or its posterior approbation, if the transaction were upon the regulation of limits.

TITLE 7th. ONLY SECTION.—*Of the Observance, Interpretation, and Amendment of the Constitution and Constitutional Act.*

163. Every public functionary, without exception to the class, previous to entering on the discharge of his duties, must take the oath to obey the Constitution and Constitutional Act.

164. The Congress shall dictate all laws and decrees, which they may deem necessary to render effective the responsibility of those who violate this Constitution or the Constitutional Act.

165. The general Congress alone can resolve doubts, which may occur about the meaning or understanding of the Articles of this Constitution and of the Constitutional Act.

166. The Legislatures of the States can make such observations as they may deem proper about particular Articles

of this Constitution and the Constitutional Act, but the general Congress will not take them into consideration until the year 1830.

167. The Congress in that year shall confine itself to examining the observations that merit the deliberation of the next Congress, and this declaration they shall communicate to the President, who shall publish and circulate them without any observations.

168. The following Congress in the first year of its ordinary sessions, shall occupy itself in examining these observations submitted to their deliberation, in order to make such amendments as may be deemed necessary, but the same Congress which makes the examination provided in the last Article, cannot decree the amendments.

169. The amendments and additions that are proposed in the year following the 30th, shall be taken into consideration by the Congress in the second year of each biennial, and if rendered necessary, in conformity with the provisions made in the preceding Article, they shall publish this resolution, in order that the next Congress may notice them.

170. In order to reform or amend this Constitution or the Constitutional Act, shall be observed, besides the rules prescribed in the foregoing Articles, all the requisites provided for the formation of laws, excepting the right to make observations granted to the President in Article 106.

171. The Articles of this Constitution and the Constitutional Act which establishes the Liberty and Independence of the Mexican Nation, its Religion, form of Government, Liberty of the Press, and division of the Supreme Powers of the Federation, and of the States, can never be reformed.

Given in Mexico, 4th October, 1824, fourth year of Independence, third of Liberty, and second of the Federation.

Signed by the members of Congress, and the Supreme Executive Power.

APPENDIX.—No. II.

THE

CONSTITUTION

OF

COAHUILA AND TEXAS.

THE Governor of the Free State of Coahuila and Texas, to all its inhabitants—*Know*, that the Constituent Congress of the same State has *Decreed* and sanctioned the following political Constitution of the free State of Coahuila and Texas.

PRELIMINARY DISPOSITIONS.

ARTICLE 1. The State of Coahuila and Texas consists in the union of all its inhabitants.

2. It is free and independent of the other united Mexican states, and of every other foreign power and dominion.

3. The Sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it; but these do not of themselves execute any other acts of sovereignty than those designated in this Constitution, and in the form which it prescribes.

4. In all matters relating to the Mexican Federation, the State delegates its faculties and powers to the General Congress of the same, but in all that properly relates to the administration and entire government of the State, it retains its liberty, independence, and sovereignty.

5. THEREFORE, Belongs exclusively to the same State, the right to establish by means of its representatives, its fundamental laws, conformably to the basis sanctioned in the Constitutional Act and the General Constitution.

6. The Territory of the State is the same which comprehends the Provinces heretofore known by the name of Coahuila and Texas. A constitutional law shall fix their limits

with respect to the other adjoining States of the Mexican Federation.

7. The Territory of the State is divided for the present, for its better administration, into three departments, which shall be—BEXAR—which district is extended to the whole of the Territory, which corresponds to that called the Province of TEXAS, which alone is a district. MONCLOVA, which comprehends the district of this name and that of the RIO GRANDE SALTILLO, which embraces the district of this name, and that of PARRAS.

8. Congress hereafter shall have power to alter, vary, and modify this division of the territory of the State, in the manner it may deem most conducive to the felicity of the people.

9. The Apostolic Catholic Religion is that of the State; this it protects by wise and just laws, and prohibits the exercise of any other.

10. The State shall regulate and defray the expenses which may be necessary for the preservation of worship, in conformity with the regulation of the Concordats, which the nation shall celebrate with the Holy See, and by the laws it shall dictate relative to the exercise of patronage in the whole Federation.

11. Every man who inhabits the Territory of the State, although he be in transit, shall enjoy the imprescriptible rights of liberty, security, property, and equality; and it is the duty of the same state to conserve, and protect by laws, wise and equitable, those general rights of mankind.

12. It is also an obligation on the State, to protect all its inhabitants in the right which they have to write, print, and publish freely their thoughts, and political opinions, without the necessity of examination, revision, or censure, anterior to the publication, under the restrictions and responsibilities established, or which hereafter may be established, by general laws on the subject.

13. In this State no person shall be born a slave, after this Constitution is published in the capital of each District, and six months thereafter, neither will the introduction of slaves be permitted under any pretext.

14. It is the duty of every man who inhabits the State to obey its laws, respect its constituted authorities, and contribute to the support of the same State, in the mode which it asks.

15. To the State belongs every species of vacant goods

in its Territories, and those of its intestate inhabitants who have no legitimate successor in the manner laid down by the laws.

16. The State is composed only of two classes of persons, to wit: *inhabitants* of Coahuila and Texas (Coahuiltejanos), and *citizens* of Coahuila and Texas.

17. Those are inhabitants of Coahuila and Texas (Coahuiltejanos):—First, All men born and domesticated in the Territory of the State, and their descendants. Secondly, those born in any other part of the Territory of the Federation, or those who fix their domicile in this State. Thirdly, those foreigners who are legitimately established in the State, be they of what nation they may. Fourthly, those foreigners who obtain from Congress letters of naturalization, or have a domicile in the State, obtained according to the law which shall be passed as soon as the Congress of the Union fixes the general rule of naturalization, which it ought to establish conformably to the 26th clause of the faculties which the Federal Constitution designates.

18. Those are citizens of Coahuila and Texas (Coahuiltejanos):—First, All men born in the State, and who are domiciliated in any part of its Territory. Secondly, all citizens of the other States and Territories of the Federation, as soon as they become domiciliated in the State. Thirdly, all the children of Mexican citizens, who have been born out of the Territory of the Federation, and who fix their domicile in the State. Fourthly, the foreigners who are actually and legally domiciliated in the State, whatever may have been the country of their nativity. Fifthly, foreigners who enjoy the rights of inhabitants of Coahuila and Texas, have obtained from Congress special letters of citizenship—the laws will prescribe the merits and circumstances requisite for the concession of such.

19. Those born in the Territory of the Federation, and those foreigners resident in it (with the exception of their children), who, at the time of the proclamation of the political emancipation of the nation, were unfaithful to the cause of independence, and emigrated to a foreign country, or that dependent on the Spanish government, are neither entitled to the rights of domiciliation, nor citizenship, in said State.

20. The rights of citizenship are lost—First, By acquiring naturalization in a foreign country. Secondly, by acquiring a station of profit, or honour, under a foreign government, without permission of Congress. Thirdly, by

sentence legally obtained, which imposes personal or infamous punishments. Fourthly, by selling his vote, or buying that of another, for himself or for a third person, whether in popular assemblies, or in any other whatever; and of trust in the same assemblies, either as presidents, tellers, or secretaries, or in the exercise of any other public functions. Fifthly, for having resided five consecutive years out of the limits of the Territory of the Federation, without commission of the general government, or particular one of the State, or without its leave.

21. He that has lost the rights of citizenship cannot regain them without the express act of restoration of Congress.

22. The exercise of the same rights are suspended—First, for physical or moral incapacity, previously ascertained by judicial decision. Secondly, for not being twenty-one years complete, except those who are married, who can enter upon the exercise of these rights from the time they contract matrimony, of whatever age they may be. Thirdly, for being a debtor to the public funds, the time of payment elapsed, legal requisition therefore made, and not complied with. Fourthly, for having been prosecuted criminally, unless the defendant is absolved of the matter, or condemned to punishment not painful or infamous. Fifthly, for not having an employment, trade, or any known method of obtaining a livelihood. Sixthly, for not knowing how to read and write; but this shall not take effect until the year 1850, with regard to those who hereafter enter into the rights of citizenship.

23. The rights of citizenship can only be destroyed or suspended for the causes stated in articles 20 and 22.

24. None but citizens who are in the exercise of their rights can vote for popular employments in the State, in those instances stated in the law; and these only can obtain the said employments, or any others in the same State.

25 Professional employments form an exception to the second part of the anterior article, which employments can also be conferred on foreigners.

FORM OF THE STATE GOVERNMENT.

26. The object of the state government is the happiness of the individuals which compose it, for the end of all political society is no other than the welfare of the associated.

27. The officers of the government, invested with what-

ever kind of authority, are no more than mere agents or commissioners of the state, responsible to it for their public conduct.

28. The government of the state is popular representative federal; in consequence, it shall not have in it any hereditary office or privilege.

29. The supreme power of the state is divided for its exercise, into Legislative, Executive, and Judicial, and never can these three powers, nor two of them, be united in one corporation or person, nor the Legislative power deposited in one individual.

30. The exercise of the Legislative power shall reside in a Congress composed of deputies popularly elected.

31. The exercise of the Executive power shall reside in a citizen, who shall be denominated Governor of the State, and who shall also be chosen popularly.

32. The exercise of the Judicial power shall reside in the Tribunals and Courts which the Constitution establishes.

TITLE 1st.—*Of the Legislative power of the State.*

SECTION 1st. *Of the deputies of Congress.*

33. The Congress consists of the deputies which represent the State, chosen conformably to this Constitution; its number shall be that of twelve members proprietary, and six supernumerary members, until the year 1832.*

34. The Congress in that year, and in the last of every ten years which follow, shall have power to augment the number of deputies, under the standard of one for every 7000 souls.

35. The election of proprietary deputies and supernumeraries shall be held in all and every one of the districts of the State. A law shall fix the number of deputies of one and the other class which each district ought to appoint.

36. To be a deputy, proprietary, or supernumerary, it is required to have, at the time of the election, the following qualities:—First, to be a citizen in the exercise of his rights. Secondly, to be of the full age of twenty-five years. Thirdly, to be an inhabitant of the State, with residence in it for two years immediately before the election. To natives of the State it is sufficient to possess the two first requisites.

* The supernumerary deputies were intended to supply vacancies, occasioned by death or other inevitable cause.

37. It is necessary for those not born in the Territory of the Federation, in order to be deputies, proprietary, or supernumerary, to have had eight years' residence in it, and to be worth 8,000 dollars in property, or to have an income of some business of 1,000 dollars annually, and the qualifications provided in the foregoing Article.

38. There are excepted from the foregoing, those born in any other part of the Territory of America, which in the year 1810 depended on Spain, and which may not have united itself to any other nation, nor remained in dependence on Spain; to those it is sufficient that they have been three years, complete, in the Mexican Republic, and possess the requisites prescribed in Article 36.

39. Those cannot be deputies, proprietary, or supernumerary; First, The Governor, or Vice-Governor of the State; the members of the Council of Government; those employed in the Federation; the Civil Functionaries of the State Government; the Ecclesiastics who exercise any species of jurisdiction, or authority in some part of the district where the election may be held; foreigners, at the time when war may exist between the country of their nativity and Mexico.

40. In order that those public functionaries of the Federation, or of the State, comprehended in the anterior article, may be elected deputies, they ought absolutely to have ceased the exercise of their functions four months before the election.

41. If the same individual shall be named deputy proprietary for two or more districts, the election of that district in which he actually resides shall have preference. If he does not reside in either, the election of the district of his origin shall have preference. If he was neither a resident nor a native of some one of the said districts, that shall stand which the same elected deputy shall designate. In either of these cases, or of the death or inability of the deputies proprietary to discharge their functions according to the judgment of Congress, their duties shall devolve upon the respective deputies supernumerary.

42. If it shall happen that the same citizen is elected deputy supernumerary for two or more districts, in this case the same order of preference provided for in the three first parts of the anterior Article prevails. And in the district which remains without a deputy supernumerary, the vacancy shall be filled up by the person who, in the

respective electoral assembly, had the next greatest number of votes. In case of a tie it shall be decided by lot (suerte).

43. The deputies, during the discharge of their commissions, shall obtain from the public Treasury of the State the compensation which the anterior Congress shall assign; and they shall also receive what may appear necessary for their expenses in going to the place of session, and in returning from thence to their houses on the close of the session.

44. The deputies at no time, and in no case, nor before any authority, shall be responsible for the opinions which they manifest in the discharge of their duties. In criminal cases instituted against them, they shall be judged by the Tribunals which will be hereafter mentioned; and from the day of their appointment until they have completed the two years of their deputation, they cannot be accused unless before Congress, which is constituted a Grand Jury to declare if there is, or is not, cause for an accusation. In the mean time, during the session, the deputies cannot be sued in civil suits, nor arrested for debts.

45. During the time of their deputation, counting for this purpose from the day of their appointment, they cannot obtain for themselves any employment from the government, nor shall they solicit it for others, nor even for their promotion, except it be in the regular order of office.

SECTION 2.—*Of the Nomination of the Deputies.*

46. For the election of the deputies, there shall be held electoral municipal assemblies, and electoral district assemblies. Paragraph first, of the electoral municipal assemblies.

47. The electoral municipal assemblies shall be composed of the citizens who are in the exercise of their rights, and who may be inhabitants and residents within the limits of their respective Ayuntamientos, and no person of this can be excused from attending.

48. These assemblies shall be celebrated the first Sunday and the following day of the month of August, of the year anterior to the renovation of Congress, in order to nominate the electors of the district who are to choose the deputies, and eight days previously, the president of every Ayuntamiento, without the necessity of other order, shall call together the citizens of his district, by a proper notice, or as may be the

custom, that they shall convene to make the elections at the time and in the form which this Constitution requires, giving prompt notification to the villages of the same district for the information of the inhabitants.

49. In order that the citizens may assist with the greater convenience, every Ayuntamiento, according to its locality and the population of its territory, shall determine the number of municipal assemblies which it ought to form in its limits, and the public places in which they have to be held, designating the limits of each.

50. They shall be presided, one by the political Chief or Alcalde, and the remainder by other individuals of the Ayuntamiento to whom it falls by lot, and in default of these, that corporation shall appoint as President of the respective municipal assembly an inhabitant of its own district, who shall know how to read and write.

51. On the aforesaid Sunday in August, at the hour of meeting, the citizens who have convened in the place designated for it, shall open the said assembly by appointing from amongst themselves, by a plurality of votes, one Secretary and two Tellers, who shall know how to read and write.

52. The elections shall be opened on the two days mentioned in Article 48, for the space of four hours each day, divided between the morning and the evening, and in every one of these assemblies there shall be a Register, in which shall be written the votes of the citizens who come together to name the electors of the district, setting down in alphabetical order the names of the voters and those voted for.

53. To be an elector of a district, it is necessary to be a citizen in the exercise of his rights, of the age of twenty-five years complete, to know how to read and write, and to be an inhabitant and resident in some part of the same district the year immediately anterior to the election.

54. Every citizen shall choose by voice or writing the respective electors of the district, whose names (the election being had according to the former mode) the voter shall designate in a loud voice, and it shall be entered in a list and then read by the Secretary; and it is indispensable that it should be written in the Register in presence of the voter. No person shall vote for himself in this or any other instance of the election, under the penalty of losing the right to vote.

55. In those districts in which there is to be chosen only

one deputy, there shall be appointed eleven electors, and in that which can choose two or more, there shall be appointed twenty-one electors.

56. The doubts or controversies that may arise, whether any person or persons present possess the qualification of voters, shall be decided verbally by the assembly, and its decision shall be executed without appeal, for this time and object only; provided, that such doubt shall not turn upon the construction of this Constitution or other law. If the said resolution shall result in a tie, the doubt shall be considered removed.

57. Should complaints arise that bribery, corruption, or force had been used to determine the election in favour of particular persons, a public and verbal investigation shall be made thereof, and should it appear that the accusation is true, those who have committed the crime shall be deprived of all voice in the election, and the calumniator shall suffer the same penalty; and from this judgment there shall be no appeal. Doubts which arise as to the quality of proof shall be decided by the assembly, in the manner prescribed in the preceding Article.

58. Municipal assemblies shall be held with open doors and without any guard whatever; and no individual, whatever his class may be, shall present himself in them armed.

59. On completion of the two days for which the election is to be kept open, the President, Tellers, and Secretary of each assembly, shall proceed to sum up the votes which each citizen has received, in the Register, which shall be signed by the said officers; and by this operation the assembly shall be dissolved; and any other act which may be done shall not only be considered null, but as an attempt against the public security. The said Register shall be delivered sealed to the Secretary of the respective Ayuntamientos.

60. On the second Sunday of the said month of August the Ayuntamientos shall convene in their respective halls in public session. In their presence, and also with the assistance of the President, Tellers, and Secretary of the municipal assemblies, the Registers shall be opened, and after examining the whole of them, a general list shall be formed in alphabetical order, in which shall be comprehended all the individuals voted for, and the number of votes they have received.

61. This list and the certificate which shall be extended

on the subject, shall be signed by the President of the Ayuntamiento, the Secretary of it, and the Secretaries of the assemblies; after which, two copies of the said list shall be drawn off, certified by the same persons, one of which shall be immediately posted up in the next public place, and the other shall be delivered with the accompanying official letter, signed by the President of the Ayuntamiento, to two individuals appointed by that body to proceed to the capital of the district, there to form a general classification of votes in union with the commissioners of the other Ayuntamientos.

62. On the fourth Sunday in August, the commissioners of the Ayuntamientos shall present themselves with their credentials of election to the political Chief, or in his absence to the first Alcalde, of the capital of the district, and, presided by the first or by the second, as the case may be, shall assemble in public session in the town-hall; and after examining all the lists, they shall form a general list of all the individuals voted for as electors of the district by the citizens of each municipal district respectively, expressing the number of votes they have had and the place of their residence.

63. In order to make this general regulation of votes, the concurrence of not less than four of the commissioners is requisite. In those districts in which there is not that number, the Ayuntamiento of the capital shall name from amongst the individuals of its own body the number deficient.

64. The citizens who, upon the result of this general scrutiny, have the greatest number of votes on the list, shall be considered constitutionally appointed for electors. In case of a tie amongst two or more individuals, it shall be decided by lot.

65. The aforesaid list, and all acts relative to the business, shall be attested by the President, the Commissioners, and the Secretary of the Ayuntamientos of the capital of the district. There shall be extracted copies of one, and the other certified by the same; and they shall be remitted by the President to the permanent deputation of Congress, the Governor of the State, and the different municipalities of the district.

66. The same President shall pass, without any delay, the corresponding certificate to the electors appointed, that they may go to the capital of the department on the day

named by the Constitution, in order to celebrate the electoral assembly of the same.

Paragraph 2d.—*Of the Electoral Assemblies of the District.*

67. The electoral assemblies of the district shall be composed of the electors named by the citizens in the municipal assemblies, who shall assemble in the capital of the respective district with a view to name the deputy or deputies, required to assist at the Congress as representatives of the State.

Section 3d.—*Of the Sessions of Congress*

78. The Congress shall assemble each year, to hold its sessions in the place which shall be designated by a law, and in the building which is destined for this object Whenever it may be deemed convenient to change it to another place, it can be done with the accordance of two-thirds of the whole number of the deputies.

79. The deputies shall present their credentials to the permanent deputation of Congress, in order that they may examine them, by comparing them with the testimonies of the elections of the electoral assemblies of the district.

80. On the 28th day of the month of December, of the year anterior to the renovation of Congress, the newly elected deputies and the members of the permanent deputation shall meet in public session, and shall choose their President and Secretary from the said deputation. This meeting shall report as to the legitimacy of the credentials and qualifications of the deputies, and any doubts which may arise on these points shall be definitively determined by a plurality of votes by this assembly; but the individuals of the permanent deputation who have not been re-elected shall not have a vote.

81. In continuation, the deputies shall take before the President an oath, that they will observe, and cause to be observed, the Constitutional Act, and the Federal Constitution of the United States of Mexico, and the Constitution of this State, and that they will completely discharge their duties.

82. In continuation, the deputies shall proceed to choose from amongst themselves, by secret ballot, and by an ab-

solute plurality of votes, a President and Vice President, and two Secretaries, upon which the permanent deputation shall cease in all its functions, and those of its members not re-elected having retired, the President of Congress shall declare that it is solemnly and legitimately constituted.

83. For the celebration of the ordinary and extraordinary sessions of Congress, the deputies shall meet four days previous to its organization, in the manner prescribed in the first part of Article 80, in order to resolve in the manner expressed in the second part of the same Article upon the legitimacy of the credentials and qualifications of the new deputies who present themselves; and having approved of them, the deputies shall immediately take the oath prescribed by Article 81, and in continuation, shall proceed to make nomination of the President, Vice President, and Secretaries, in the same manner which is provided in Article 82.

84. The Congress shall open its ordinary sessions the first day of January in every year, and the first day of September in each year following the renovation of the same Congress; the Governor of the State being obliged to assist upon so important an occasion, when he shall pronounce a suitable discourse, which the President of Congress shall answer in general terms.

85. On the day after the opening of the ordinary session, the Governor shall present in person to Congress a written account of the state of the public administration, proposing such amendments or reforms as may be required in its different branches.

86. The session of Congress shall be held daily, without other interruption than those of solemn festivals. All the proceedings shall be public, with the exception of those which treat of reserved business, which may be secret.

87. The ordinary sessions of Congress, which commence the first day of January, shall last that month and the three following, February, March, and April, and cannot be prorogued to any other month, except in the two following instances; first, by petition of the Governor, and secondly, if the same Congress deem it necessary—for this, there must be the concurrence, in both cases, of the vote of two-thirds of the deputies. The ordinary sessions, which commence on the first of September, shall last thirty days of

the said month, without any power to prorogue on any motive or pretext whatever. Both sessions shall be closed with the same formalities which are prescribed for their opening.

88. Before the conclusion of the ordinary session of Congress there shall be appointed of that body a permanent deputation, composed of three individuals proprietary, and one supernumerary, which shall continue all the intervening time between one ordinary session and the other; and its President shall be its first appointed individual, and its Secretary the last individual proprietary.

89. When in the intervening time between one ordinary session and another, circumstances or business shall occur requiring the meeting of Congress, it can be convoked for extraordinary sessions, provided it is sanctioned by the unanimous vote of two-thirds of the members of the permanent deputation and of the council of government, which shall meet for that purpose.

90. If the circumstances or business which caused the extraordinary convocation of Congress should be very weighty and urgent, the permanent deputation united with the council of government and the other deputies which are in the capital, shall immediately take such necessary measures as the exigency shall require, and shall give an account thereof to Congress as soon as it may meet.

91. When Congress meet in extraordinary sessions, there shall be called to the same the deputies who ought to assist at the ordinary sessions of that year, and they shall be exclusively occupied upon the business or businesses for which they have been convoked; but if they have not concluded against the day on which they ought to meet in ordinary sessions, they shall postpone those and continue the business for which the extraordinary session had been convoked.

92. The holding of the extraordinary sessions shall not impede the election of the new deputies at the time prescribed in this Constitution.

93. The extraordinary sessions shall be opened and closed with the same solemnities as the ordinary sessions.

94. The resolutions which Congress may take upon the change of its residence, or the prorogation of its sessions, shall be executed by the Governor without any observations upon them.

95. The Congress, in all that belongs to its government

and interior order, shall observe the regulations formed by the present, having power to make the reforms it may deem necessary.

96. The deputies shall be renewed totally every two years. Those of the anterior Congress can be re-chosen, but they cannot be compelled to accept this trust unless there should be a vacancy of one half of the deputation. There shall be excepted in this Article the deputies of the present Congress, who cannot be re-elected for the next Constitutional Congress

Section 4th.—*Of the Attributes of Congress, and of the Permanent Deputation.*

97. The exclusive attributes of Congress are first to decree, interpret, reform, or abolish, the laws relative to the Administration, and interior government of the State in all its branches. Secondly, to regulate the votes which the citizens may have obtained in the electoral assemblies for Governor, Vice-Governor, and for members of the council of government, and to appoint those officers whenever it shall devolve upon them to do so Thirdly, to decide by secret ballot the ties which may happen between two or more individuals, in the election of the before-mentioned officers. Fourthly, to resolve the doubts which may arise upon these elections and upon the qualifications of the elected. Fifthly, to examine the excuses which the elected may allege for not accepting these stations and to determine them. Sixthly, to form themselves into a Grand Jury, and to declare whether there are or are not grounds of accusation for neglect of official duty, as well as for ordinary crimes against the deputies of Congress, the Governor, the Vice-Governor, the members of the Council, the Secretary of State, and the individuals of the Supreme Court of Justice of the State. Seventhly, to render effective the responsibility of these public functionaries, and to do in this case that which is so necessary with respect to all others employed. Eighthly, to fix every year the public expenses of the State, having in view the reports on the subject which shall be presented by the Governor. Ninthly, to establish or confirm the taxes or contributions necessary to cover these expenses, under the regulations of this Constitution, and the general one of the Federation—to regulate their collection, determine their application, and approve of their distribution. Tenthly, to ex-

amine and approve the accounts of the application of all the public funds of the State. Eleventh, to contract debts in case of necessity upon the credit of the State, and to designate the guarantees for their liquidation. Twelfth. to decree whatever may be necessary for the administration, conservation, or alteration of the goods of the State. Thirteenth, to create, suspend, or suppress the public officers of the State; and to fix, diminish, or augment their salaries or pensions. Fourteenth, to grant premiums or recompences to corporations or persons, who have rendered distinguished services to the State, and to decree posthumous public honours to the memory of great men. Fifteenth, to regulate the manner of recruiting the men which may be necessary for the service, or to fill up the permanent presidial militia. companies of cavalry, and the active militia of the same army, auxiliary to that which are destined by the institution to the defence of the State, approve of the distribution which may be made among the towns of the State of their respective quotas, to effect this object. Sixteenth, to decree that which may be necessary for the enrolling and instruction of the civic militia of the State, and the appointment of its officers conformably to the discipline prescribed, or which shall be prescribed by general laws. Seventeenth, to promote and encourage, by laws, public information, and education, and the progress of the sciences, arts, and useful establishments, removing the obstacles which may palsy objects so commendable. Eighteenth, to protect the political liberty of the press. Nineteenth, to attend to, and give or deny their consent to all those acts and cases for which this Constitution has provided.

98. The attributes of the permanent deputation are, first, to watch over the observance of the Constitutional Act, the Constitution, and general laws of the Union. and the particular ones of the State, in order to give an account to Congress of infractions thereof, which they may observe. Second, to convoke the Congress for extraordinary sessions in those cases, and in the manner prescribed by this Constitution. Third, to discharge the functions which are prescribed in Articles 79 and 80. Fourth, to give notice to the supernumeraries of the time when they shall come to the Congress in the place of the deputies proprietary; and if the death or absolute inability of one or more of them should occur, to communicate the corresponding orders to the respective districts, in order that they may proceed to a new

election. Fifth, to receive the testimonies of the acts of the elections of the electoral assemblies of the district, for Governor, Vice-Governor, and members of the Council of Government, and to deliver them to Congress, as soon as it may be installed.

Section 5th.—*Of the Formation and Promulgation of the Laws.*

Appendix to this title—*Of the Election of Deputies for the General Congress of the Federation.*

109. On the first Sunday of the said month of October, the electors having met, and more than one half of the whole being present, they shall proceed to the appointment of the deputies, who shall go from the State to the general Congress of the Federation, in the form laid down by this Constitution, for the appointment of those to the State Congress. This being done, the assembly will do what is necessary to comply with the provisions of the 17th Article of the Federal Constitution, and shall dissolve.

Title 2.—*Of the Executive Power of the State.*

Section 1.—*Of the Governor.*

110. The Governor of the State ought to possess, at the time of his appointment, the following qualifications: First, to be a citizen in the exercise of his rights. Second, to be born in the Territory of the Republic. Third, to be of the age of thirty years, complete. Fourth, an inhabitant of this State, with residence in it for five years, and two of them immediately before his election.

111. The ecclesiastics, the military, and others employed by the Federation, and in the actual service of the same, cannot obtain the office of Governor.

112. The Governor of the State shall continue four years in the discharge of his office, and cannot be re-chosen for the same office until the fourth year after he has ceased from its functions.

113. The prerogatives of the Governor, the attributes, and restrictions of his faculties are the following:—

PREROGATIVES OF THE GOVERNOR.

First, The Governor can make observations upon the laws and decrees of Congress, in the manner and form prescribed in Article 102, suspending their publication until the resolution of the same Congress, unless in the cases excepted in this Constitution. Second, he has power to propose laws or reforms to Congress, which he believes may conduce to the general good of the State. Third, he can pardon delinquents under the regulation of the laws. Fourth, the Governor cannot be arraigned by any one for offences committed at the time of his administration nor during it, nor until one year afterwards, counting from the day on which he has ceased his functions, unless before the Congress, and that time being elapsed, not even before the Congress.

ATTRIBUTES OF THE GOVERNOR.

First, to provide for the preservation of order and public tranquillity in the interior of the State, and the security of the exterior, disposing for both these objects, of the militia of the State, whereof the said Governor is commander-in-chief. Second, to cause the observance of the Constitutional Act, the general Constitution, and that of the State, and of the laws, decrees, and orders of the Federation, and of the Congress of the State; issuing their decrees and necessary orders for their execution. Third, to form upon consultation with the Council, those instructions and regulations which he believes necessary for the better government of the branches of the public administration of the State, which he shall pass to the Congress for its approbation. Fourth, to fill, under the regulation of the Constitution and the laws, all the offices of the State, which are not electoral, and which are not otherwise provided for by those laws. Fifth, to appoint, and freely dismiss, the Secretary of State. Sixth, to take care that justice is administered promptly and completely by the tribunals and courts of the State, and that their sentences are executed. Seventh, to take care of the administration and collection of all the rents of the State, and to decree their application in conformity with the laws. Eighth, to suspend from their offices for three months, and even to deprive them of one-half of their salaries for the same time, after hearing the opinion of the Council of State, all those in the employment of the State, under the Execu-

tive department thereof, and of its nomination and appointment when they infringe its orders and decrees, passing the proceedings upon the matter to the respective tribunals, in case he believes that there is sufficient cause for accusation. Ninth, to propose to the permanent deputation the convocation of Congress in extraordinary session, whenever he deems it necessary, first having the opinion of the Council.

RESTRICTION OF THE FACULTIES OF THE GOVERNOR.

The Governor cannot, first, command in person the civic militia of the State, without the express consent of Congress, or in its recess, of the permanent deputation. When he commands, under such circumstances, the Vice-Governor shall take charge of the Government. Second, he cannot intermeddle in the examination of pending causes, nor dispose in any manner, before judgment, of the persons of criminals. Third, he cannot deprive any person of his liberty, nor impose any punishment But when the good and security of the State requires the arrest of any person, he has power to do so, placing the persons arrested at the disposition of the tribunal or competent judge within the term of forty-eight hours. Fourth, he cannot occupy the property of any particular person or corporation, nor embarrass him in the possession, use, or profit of it, unless it may be necessary for a known object of general utility, according to the judgment of the Council of Government; in which case he shall have power, with the consent of the said Council, and the approbation of Congress, or in its recess, of the permanent deputation, always indemnifying the interested party according to the judgment of good men, chosen by said party, and by the Government. Fifth, he cannot impede or embarrass in any manner, or under any pretext, the popular elections determined by this Constitution and the Laws, nor prevent those laws from taking full effect. Sixth, he cannot go from the capital to any other part of the State for more than one month. If a longer absence is necessary, or if he is obliged to go from the territory of the State, he shall ask leave of Congress, and in its recess, of the permanent deputation.

114. In order to publish the laws and decrees of the Congress of the State, the Governor shall use the following

form: "The Governor of State of Coahuila and Texas, to all its inhabitants, *Know*, that the Congress of the same State has decreed the following: (here the text of the law or decree:) THEREFORE, I command that it be printed, published, and circulated, in order that it be complied with."

SECTION 2nd.—*Of the Vice-Governor.*

115. There shall likewise be in the State a Vice-Governor. His qualifications shall be the same as those required for Governor. His term shall be four years, and he cannot be re-elected for the same office, unless at the fourth year after he has ceased from its functions.

SECTION 3rd.—*Of the Council of Government.*

121. For the better discharge of the functions of his office, the Governor shall have a council, which shall be denominated *The Council of Government;* and shall be composed of three members proprietaries and two supernumeraries, amongst the whole of whom there can be but one ecclesiastic.

122. To be a member of the Council of Government, the same qualifications are required as for a deputy. Those who are prohibited from being deputies cannot be councillors.

123. Every two years the council shall be removed; the first time, one of the members proprietary and supernumerary going out, who have been last appointed, and the second time, those other members proprietary and supernumerary going out, and so successively.

124. No councillor can be re-elected, except on the fourth year after having ceased from his office.

125. When the Governor of the State assists at the council, he shall preside, but without a vote, and in such case the Vice-Governor shall not assist.

126. The Secretary of the Council shall be one of its members, in the manner and form which may be established by its interior regulation, which regulation the said council shall form and present to the Governor, who shall pass it to Congress for its approbation.

127. The attributes of the Council are, first, to give a fixed opinion, and in writing, to the Governor, in all those matters in which the law imposes upon him the obligation

to ask it, and on all those others on which the same Governor may think proper to consult it. Second, to watch over the observance of the Constitutional Act, the Federal Constitution, and the general laws of the Union, the Constitution, and particular laws of the State, giving an account to Congress of the infractions which it may observe. Third, to promote the advancement, and aid in the prosperity of the State in all its branches. Fourth, to recommend appointments to offices, in the cases where the law requires it. Fifth, agree in union with the permanent deputation conformably to the 89th Article, upon the convocation of extraordinary sessions of Congress, and to meet with the same deputation in order to do what may be necessary in those cases mentioned in Article 90. Sixth, examine the accounts of all the public expenditure, and pass them to Congress for its approbation.

128. The council shall be responsible for all acts relative to the exercise of its powers.

SECTION 4th.—*Of the Election of Governor, Vice-Governor, and Councillors.*

129. The day following that on which the election of deputies to Congress is made, the electoral district assemblies, all and every one of them, shall vote for a Governor, Vice-Governor, and three Councillors proprietary, and two supernumeraries, making the said election in the mode and terms prescribed in Articles 71, 72, 73, and 74.

SECTION 5th.—*Of the Secretary of State.*

139. The despatch of the business of the supreme government of the State, of whatever class it may be, shall be placed in the charge of a Secretary, who shall be entitled Secretary of Despatch of the State Government.

SECTION 6th.—*Of the Chiefs of Police of Departments, and the Subaltern or Chiefs of Districts.*

145. In the capital of each department of the State there shall be a functionary, to whom shall be intrusted the political government of the same, and he shall be denominated the Political Chief of the Department.

146. To be Chief of Department, it is necessary to be a

citizen in the exercise of his rights, of the age of twenty-five years complete, an inhabitant of the State, and a resident in it three years, and one of them immediately previous to his election.

147. The Governor, on the proposition of the Council, supported by the recommendations of the Ayuntamientos of the respective departments, shall appoint the Chief of Department, with the exception of that of the capital.

148. The Chiefs of Department shall be immediately subject to the Governor of the State, and in no manner to each other. They shall continue four years in their offices, and may be re-appointed, the same formalities occurring as are prescribed for their first nomination.

149. In every capital in the district, except that in which the Chief of Department resides, there shall be a subaltern or district chief appointed by the Governor, on the recommendation of the Chief of Department.

150. The subaltern or district chiefs ought to possess the same qualifications as those of department, with the difference that their domicile and residence ought to be in the bounds of their district, and shall, besides, have some honest mode of living, sufficient to maintain themselves decently.

151. The duration of the district chiefs in their offices shall be the same as those of department; and on the proposition of these they can be continued in their offices.

152. No person can be excused from serving in these trusts, except in case of re-election for the same within four years after they have served, or for other sufficient cause in the judgment of the Governor, who shall decide, after hearing from the respective Chief of Department.

153. These chiefs, as well as those of department, are responsible for all their acts against the Constitution, and general laws of the Federation, and the laws of the State, the first to the Chief of Department to whom they are immediately subordinate, and those to the Governor.

154. The attributes of the different chiefs, and the manner in which they shall discharge their duties, shall be detailed in the regulations for the political economical government of the towns.

Section 7th.—*Of the Ayuntamientos.*

155. It appertains to the Ayuntamientos to watch over the police and internal government of the towns of the State;

and with this view they shall exist in all which have heretofore had them.

156. In the towns which may not have them, and where it is necessary they should be, they shall be placed. The capitals of districts shall have them, whatever their population may be, and also those towns, which of themselves or with their precincts, contain 1000 souls, unless they are united to another municipality; in which case, should peculiar circumstances prevent their separation, it shall be necessary, in order for them to obtain an Ayuntamiento, that Congress shall decree it, on the recommendation of the Executive, accompanied by a memorial setting forth the territory which shall compose the new municipality.

157. The towns which have not the prescribed number of souls, but which can with advantage be united to one or more, can form municipalities, which shall be formed, and the Ayuntamiento shall be established in the place which in the judgment of the Executive shall be deemed most suitable. In particular circumstances, the Congress may decree, upon previous petition and recommendation of the Governor, Ayuntamientos, in those places of lesser population.

158. In those settlements which cannot have the establishment of an Ayuntamiento, and in the interior government of which, by reason of their distance from other municipalities, cannot be taken care of, the electoral assemblies of the district to which it is attached shall appoint a commissary of police and one Syndic, (procurador.) who shall discharge the function which the regulation for the political government of the towns shall designate.

159. The Ayuntamiento shall be composed of the Alcalde or Alcaldes, Syndic or Syndics, and Aldermen, whose number the said regulation shall designate.

160. To be a member of the Ayuntamiento, it is requisite to be a citizen in the exercise of his rights, more than twenty-five years of age, or being married, twenty-one years of age, to be an inhabitant of the Ayuntamiento district, with residence in it three years, one of them immediately prior to the election; to have a capital or calling upon which he can subsist, and to know how to read and write.•

167. The offices of the Ayuntamiento are municipal charges from which no persons can excuse themselves.

TITLE 3.—*Of the Judicial Power.*

ONLY SECTION.—*Of the Administration of Justice in general.*

PARAGRAPH 1.—*Of the Administration of Justice in Civil Cases.*

PARAGRAPH 2.—*Of the Administration of Justice in Criminal Cases.*

PARAGRAPH 3.—*Of the Inferior Courts and Superior Tribunals.*

TITLE 4th. ONLY SECTION.—*Of the Public Revenue.*

TITLE 5th. ONLY SECTION.—*Of the Civic Militia of the State.*

211. In all the towns of the State there shall be established corps of civic militia, and these shall constitute the military force of the same.

212. The formation of these corps, their organization, discipline, and internal government, shall be regulated by Congress, conformably to the general laws of Federation on the subject.

213. The Congress shall regulate the service of this militia, so as to effect the purposes of their institution, in a manner the most useful to the state and the least burdensome to the citizens.

214. No inhabitant of Coahuila and Texas can be excused from affording his service when required by law.

TITLE 6th. ONLY SECTION.—*Of Public Instruction.*

217. The method of instruction shall be uniform throughout the State; and to facilitate this end, the Congress shall form a general plan for public instruction; and shall regulate by means of statutes and laws whatever appertains to this most important object.

TITLE 7th. ONLY SECTION.—*Of the Observance of the Constitution.*

218. The observance of the Constitution in all its parts is one of the most sacred obligations of the inhabitants of the State of Coahuila and Texas, and no one can be absolved from it, neither the Congress nor any other authority. And every inhabitant of Coahuila and Texas can insist upon this observance, making representations for this object to the Congress, or to the Executive.

219. Any infraction of this Constitution creates a personal responsibility. In order to render effective this responsibility, the Congress shall issue the laws and decrees which it believes conducive to this object; and besides, every year at their first session, shall take into consideration the infractions which the permanent deputation and the Council of Government may present, and shall do what may be necessary thereon.

220. The public functionaries of the State, of whatever class they may be, shall, at the time of entering upon their offices, take the oath to observe, sustain, and defend, the Constitutional Act, the general Constitution, and that of the State, and to discharge faithfully and completely the duties of their office.

221. Propositions for the reformation, alteration, or abrogation of one or more of the Articles of this Constitution must be made in writing, and be supported and signed by two-thirds of the deputies.

222. The Congress, in whose time any of these propositions may be made, shall not act otherwise thereon in the second year of their session than by reading and publishing them, with the grounds upon which they are supported.

223. The following Congress will either admit or reject the discussion of these propositions, and being admitted, they shall be published anew by the press, and shall be circulated by the Governor, in order that they may be read in the next electoral assemblies before they shall make the appointment of deputies to Congress.

224. In the following Congress they shall discuss the proposed alterations, reforms, or abrogations, and if they are approved of, they shall be immediately published with the Constitutional Articles.

225. In making the reforms, alterations, or abrogations indicated, besides the rules prescribed in the anterior articles,

there shall be observed all those formalities provided for the passing or repealing of the Laws, with the exception of the right conceded to the Governor of making observations, which cannot take place in these cases.

GIVEN IN SALTILLO, 11*th March,* 1827. Santiago del Valle, President; Juan Vicent Campos, Vice President; Rafael Ramos Valdez, José Maria Viesca, Francisco Antonio Guttierez, José Joaquim de Arce Rosalez, Mariano Varela, José Maria Valdez y Guajardo, José Cayetano Ramos, Deputy and Secretary; Dionisio Elisondo, Deputy and Secretary.

Therefore, I command, That it be printed, published, circulated, and complied with.

Given in Saltillo, 11th of March, 1827.

JOSE IGNACIO ARISPE.

APPENDIX.—N°. III.

COLONIZATION LAWS

OF THE

MEXICAN CONFEDERATION

AND THE

STATE OF COAHUILA AND TEXAS.

Protection by Government.

Art. 1. The Government of the Mexican Nation will protect the liberty, property, and civil rights of all foreigners who profess the Roman Catholic religion, the established religion of the empire. Law of the 4th of January, 1823.

Art. 1 & 2 of the Law of the 4th of August, 1824, *same*.

Art. 1 of the Colonization Law of Coahuila and Texas, 24th of March, 1825, *same*. By a law of Coahuila and Texas of 21st of May, 1834, protection is offered to the person and property of every settler, whatever may be his religion.

Art. 9 of the Law of Mexico, dated 6th of April, 1830, forbids foreigners entering from the Northern frontier without passports.

Art. 11 of same Act prohibits citizens of foreign countries, lying adjacent to the Mexican Territory, from settling as colonists in the states or territories adjoining such countries, and suspends contracts not executed, opposed to such article, &c. [The eleventh article of this law, which was directed against the Americans, was repealed in 1833.]

Art. 1 & 2 of instructions to Commissioner of 4th September, 1827, require certificates of their religious character, &c., from the local authority, without which they cannot be admitted; and the Empresario must give his

opinion of the sufficiency of said certificates—their genuineness, &c.

Distribution of Lands.

Art. 2. The Executive will distribute lands to settlers under the terms and conditions herein expressed. Laws of Mexico, 4th of January, 1823, see also, Law of the 18th of August, 1824, same.

Art. 4 of the laws of Coahuila and Texas, passed 24th of March, 1825, provides, that after a foreigner has made a declaration of his wish to become a settler in due form, as directed in section 3, and taken an oath to support the Constitution of the General and State Governments, &c., he is at liberty to designate any vacant land, and the *Political Authority* will grant it to him, in the same manner as to a native of the country, to be approved by the Government.

Quantity, &c.

Art. 16. Families or unmarried men, who, entirely of their own accord, have emigrated, and may wish to unite themselves to any new towns, can at all times do so, and shall receive, provided that his sole occupation is cultivation of land, one *labor;* should he also be a *stock raiser,* grazing land shall be added to complete a *sitio;* and should his only occupation be raising of *stock,* he shall receive a superficies of land, *equal* to twenty-four million square *varas.* By Art. 15 of the same Act, *unmarried* men shall receive a like quantity, when they enter the matrimonial state; and foreigners who marry *native* Mexicans shall receive one-fourth more. Those who are entirely *single* can receive only one-fourth as much, until they marry. The government can augment the quantity of land, in proportion to family, industry, and activity of the colonists. And, by Art. 18, families who emigrate in conformity to the 16th Art. shall immediately present themselves to the *Political Authorities* of the places which they have chosen for their residence, who, finding the legal requisites, shall admit them and put them in possession of the corresponding lands, and, by means of themselves or a commissioner, will issue them a title.

Art. 3, 16, and 18, of the Law of Coahuila and Texas, of the Act of the 24th of March, 1825, *the same.* Also,

Art. 4 of the Law of Mexico of the 4th of January, 1823, *same.*

Mechanics are entitled to town lots gratis, by Art. 15 of the Law of 27th September, 1827.

By Law of Coahuila and Texas, of session 1833-4, it was enacted, that no further grants should be made to Empresarios. That a *sitio*, or league of land, be considered wholly cultivated when the colonist placed on it 125 large stock, such as cattle and horses (*gañado major*), or 250 small, as sheep and swine (*gañado menor*). A Commissioner-general appointed to have all the public vacant lands surveyed in *labors* (lots of 177 acres) and offered for sale at the minimum price of ten dollars per *labor*, being previously offered at public sale on the same plan and conditions that the United States adopt in the disposal of their public lands.

By Law of Coahuila and Texas, May 2nd, 1835, persons and families who had entered Texas previous to that date, if they had not obtained land before, were entitled to it under the general laws.

Sale by Government.

By Art. 24 of the Law of Coahuila and Texas, passed 24th of March, 1825, Government will sell to Mexicans, *and to them only*, such lands as they may wish to purchase, not more than *eleven sitios*, and under the condition that the purchaser cultivate what he acquires by this title within six years from its acquisition, under the *penalty* of losing them; the price of each sitio, subject to the foregoing condition, shall be one hundred dollars, if it be pasture land; one hundred and fifty dollars, if it be farming land, without the facility of irrigation; and two hundred and fifty dollars, if it can be irrigated.

Art. 36. Building lots in new towns shall be given gratis to the contractors of them, and also to artists of every class, as many as are necessary for the establishment of their trade; and to other settlers they shall be sold at *Public* Auction, to be paid for in six, twelve, and eighteen months; but all owners of lots shall *annually* pay one dollar for each lot, which, together with the produce of the sales, to be applied to building churches in said town. And by the instruction to the commissioners of the 4th of September, 1827,

Section 15. A mechanic is to receive in a new town *one lot*, subject to draft, and the Empresario two, without draft.

Should there be a number of applicants for the same lot, it shall be decided by draft.

General Colonization Laws.

Art. 3 of the Act of the Mexican Congress of the 18th of August, 1824, declares that the Legislatures of all the States will, as soon as possible, form Colonization Laws or regulations for their respective States, conforming themselves, in all things, to the constitutional act, general constitution and regulations established by law.

Section 18. The Mexican Congress decree, that the Government shall form a system for the regulation of the new Colonies, and shall, within one year, lay before Congress an account of the colonists established under this law. The Congress of Coahuila and Texas formed their Colonization Laws 24th of March, 1825.

Not to colonise within Twenty Leagues of the Limits of a Foreign Nation.

By Art. 4 of the Law of the Mexican Congress of the 18th of August, 1824, there cannot be colonised any lands within twenty leagues of the limits of any foreign nation, nor within ten leagues of the coast, without the previous approbation of the General Supreme Executive Power.

Art. 7. The Act of the Legislature of Coahuila and Texas of the 24th of March, 1825, and the 5th Art. of instruction to the Commissioner of the State, dated 4th of September, 1827, the same.

Empresarios or Contractors.

Art. 3 of the Act of the Mexican Congress, of the 4th of January, 1823, provides, that Empresarios who shall introduce at least two hundred families, shall previously contract with the Executive, inform him of their resources, and business to be pursued, to enable the Executive to designate the province, &c.

Art. 19. To each Empresario, who introduces and establishes two hundred families, shall be granted at the rate of three haciendas and *two labors* (equal to about 66,775 acres), but he will lose the right of property over said land unless populated and cultivated in twelve years from the date of concession. The premium cannot exceed *nine hu-*

ciendas and six labors, whatever may be the number of families he introduces (equal to 200,324 acres). By

Art. 20. The proprietors of said lands at the end of twenty years must *alienate* two-thirds of the same by sale, or in any other manner they please. And by

Art. 21. The provision contained in articles nineteen and twenty are understood as governing contracts made in six months from the 4th of January, 1823: after that time the Executive can diminish the *premium* as he may deem proper.

Art. 8 of the Law of Coahuila and Texas, passed 24th of March, 1825, provides, that in projects for new settlements, in which one or more persons offer to bring at their own expense one hundred or more families, shall be presented to the Government, and if found conformable to this law, they will be admitted and the Government will immediately designate to the contractors the land where they are to establish themselves, and the term of six years, within which they must present the number of families they contracted for, under the penalty of losing the rights and privileges offered in their favour, in proportion to the number of families which they fail to introduce, and the contract totally annulled, if they do not bring at least one hundred families.

By Art. 12 of the same Law, the contractor or contractors for the establishment of a new settlement are entitled to five sitios of grazing land, and five labors (equal to 23,025 acres), at least for each hundred families which he or they may introduce, the one half of which shall be without the facility of irrigation, and they can only receive this premium for eight hundred families (equal to 184,200 acres).

Mexican Measure of Land.

Art. 5 of the Law of the Mexican Congress of the 4th of January, 1823, establishes the measure of land as follows: The *vara*, of three geometrical feet (equal to $33\frac{1}{3}$ inches); straight line of five thousand varas shall be a league (square varas, equal to 4629 yards, 1 foot, $10\frac{2}{3}$ inches, or $2\frac{632}{1000}$, or 2 miles, 201 rods, 12 feet, 4 inches). A square, each of whose sides shall be one league, shall be called a sitio; twenty-five million square varas is a sitio (equal to $4428\frac{40}{1000}$ acres), five sitios shall compose one hacienda (equal to $22,140\frac{200}{1000}$ acres).

Art. 7. A *labor* is one million square *varas,* or one thousand varas on each side. See, also,

Art. 11 of the Act of the Congress of Coahuila and Texas, passed 24th of March, 1825, *same.*

Establishments under former Government.

By Art. 10 of the Law of the Mexican Congress of the 4th of January, 1823, establishments made under the former government, which are now pending, shall be regulated by this law in all matters that may occur, but those that are finished shall remain in that state. And by

Art. 31 of the same Law, all foreigners, who may have established themselves in any of the provinces of the Empire, under the permission of the former government, will remain on the lands which they may have occupied, being governed by the tenor of this law in the distribution of said lands.

Government will cause Lands to be alienated.

By Art. 11 of the Law of the 4th of January, 1823, of the Mexican Republic, government will adopt measures for dividing out the lands, which have accumulated in large portions in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such lands, to be affixed by appraisers. And by

Art. 20 of the same Law, proprietors who have acquired their lands as a *premium* for the introduction of settlers, must alienate two-thirds of their land by sale or otherwise, as they please, at the end of twenty years from the concession. *Vide title Empresarios and Contractors.*

Villages, Towns, and Cities.

Art. 12 of the Law of the 4th January, 1823, the union of many families at one place, shall be called a village, town, or city, agreeably to the number of its inhabitants, its extension, locality, &c.; and the same regulations for its government and *Police* shall be observed, as in others of the same class in the Empire. By

Art. 34 of the Laws of Coahuila and Texas, of the 24th March, 1825, towns shall be founded on the sites deemed most suitable by the government, or the person commissioned for that purpose, and for each one there shall be desig-

nated *four square* leagues, whose area may be in a regular or an irregular form, agreeably to the situation. By Art. 35, if any of the said sites should be the property of an individual, and the establishment of new towns on them should notoriously be of general utility, they can, notwithstanding, be appropriated to this object, previously indemnifying the owner for its just value, to be determined by appraisers. In Coahuila and Texas, by a law of the 4th of September, 1827, appointing a Commissioner, it becomes his duty to select all sites for towns in the aforesaid states.

Streets.

By Art. 13 of the Law of the Mexican Republic of the 23rd January, 1823, streets are to be laid straight, running East and West, North and South; and by Art. 14, the streets must be twenty varas wide. See also Art. 37 and 38, of the Colonization Law of Coahuila and Texas, of the 24th March, 1825, to same effect.

Public Squares.

By Art. 12 of instruction to the Commissioner by act of the Legislature of Coahuila and Texas, of the 4th of September, 1827, in all new towns there shall be designated a public square, which shall be one hundred and twenty varas on each side, exclusive of streets, which shall be called *principal* or constitutional square, and this shall be the central point from which the streets shall run for the formation of squares and blocks.

Art. 13. The block situated on the east side of the principal square shall be destined for the church, curate's house, and other ecclesiastical buildings. The block on the west side of said square for public buildings of the municipality. In some other suitable situation a block shall be designated for a *market square*. Another for a *jail* and house of *correction*. Another for a school, and other edifices for public instruction; and another beyond the limits of the town, for a burial-ground.

Provinces.

By Art. 14 of the Law of the Mexican Republic of the 4th January, 1823, provinces shall be formed, whose superficies shall be six thousand *square leagues*. Government to colonise agreeably to the act of the 18th August, 1824.

When Towns are formed, how regulated, &c.

By Art. 15 of the Law of the Republic of Mexico, of the 4th January, 1823, as soon as a sufficient number of families may be united to form one or more towns, the local government shall be regulated, and the constitutional Ayuntamientos and other local establishments formed, in conformity with the laws. By

Art. 40 of the Law of Coahuila and Texas, passed 24th March, 1825, as *soon* as *forty* families are united in one place, they shall proceed to the formal establishment of the new towns, and all of them shall take an oath to support the general and state constitution, which oath shall be administered by the Commissioner; they shall then, in his presence, proceed to the election of their municipal authority.

When to elect an Ayuntamiento.

By Art. 41 of the Law of Coahuila and Texas, of the 24th of March, 1825, a new town, whose inhabitants shall not be less than two hundred, shall elect an Ayuntamiento, provided there is not another one established within eight leagues, in which case, it shall be added to it. The number of individuals that are to compose the Ayuntamiento shall be regulated by the existing laws. By

Sec. 42. Foreigners are eligible, subject to the provisions, which the constitution of the state prescribe, to elect the members of their municipal assemblies, and to be elected to the same.

Spiritual Pastors.

By Art. 16 of the Law of the Mexican Congress, of the 4th January, 1823, the Government shall take care, in accord with the respective ecclesiastical authorities, that new towns are provided with a sufficient number of *spiritual pastors*, and in like manner it will propose to Congress a plan for their decent support. And

Art. 45 of the Law of Coahuila and Texas, of the 24th March, 1825, is the same.

Preference to Colonists who first arrive.

By Art. 17 of the Law of the 4th January, 1823, of the Mexican Republic, as a general rule, colonists who arrive first shall have the preference; but by Art. 18 of the same act, Mexicans shall have the preference in the distribution of land, and particularly the military of the Three Guaran-

tees, in conformity with the decree of the 27th March, 1821, and also those who served in the first epoch of the insurrection. By

Art. 9 of the Act of the Mexican Congress of the 18th August, 1824, Mexican citizens have a preference in the distribution of land, but no distinction shall be made among them, except that which is founded on individual merit, or services rendered to the country, or under equal circumstances, a residence in the place where the lands to be distributed are situated.

Military.

By Art. 10 of the Act of the Mexican Congress of the 18th August, 1824, the military, who in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to by the States, in conformity with the diplomas which are issued to that effect by the supreme Executive power.

Art. 10 of the Law of Coahuila and Texas gives preference to military and Mexicans.

Date of Concession determines the Right to Property.

By Art. 22 of the Law of the 4th of January, 1823, of the Mexican Congress, the date of the concession furnishes and constitutes an inviolable law for the right of property, and legal ownership. Should any one, through error, or by subsequent concession, occupy land belonging to another, he shall have no right to it, further than a preference in case of sale, at the current price. But by Art. 21 of the Law of Coahuila and Texas of the 24th March, 1825, if by error of concession, any land shall be granted belonging to another, on proof being made of that fact, an equal quantity shall be granted elsewhere to the person who may thus have obtained it through error, and he shall be indemnified by the owner of such land for any improvements he may have made; the just value of such improvements shall be ascertained by appraisers.

Cultivation.

By Art. 23 of the Law of the Mexican Republic of the 4th January, 1823, if after two years from the date of the concession, the colonist should not have cultivated his lands, the right of property shall be considered as renounced, in which case, the respective Ayuntamientos can grant it to another. By

Art. 24 of the Law of Coahuila and Texas, of the 24th March, 1825, lands sold to Mexicans must be cultivated in six years, under the penalty of losing them. And by Art. 26 of the same Act, the new settlers, who, within six years from the date of the concession have not cultivated or occupied the lands granted them, according to its quality, shall be considered to have renounced them, and the respective political authorities shall proceed to take possession of them and recall the titles.

Taxes, Tithes, &c.

By Art. 24 of the Law of the Mexican Republic of the 4th January, 1823, during six years from the date of the concession, the colonists shall not pay tithes or duties on their produce, nor any contribution, under whatever name it may be called. By

Art. 25 of the same Law, the next six years from the same date, they shall pay half tithes and the half of the contributions, whether direct or indirect, that are paid by the other citizens of the empire. After this time, they shall in all things, relating to taxes and contributions, be placed on the same footing with the other citizens. By

Art. 32 of the Law of Coahuila and Texas, of the 24th March, 1825, colonists during the first *ten years*, counting from the day of the establishment of the new settlement, shall be free from all contributions of whatever denomination, except such as are generally imposed, in case of invasion or to prevent it; and all the produce of agriculture or industry of the new settlers shall be free from excise, &c., but subject, after that period, like all others in the state. By

Art. 33 from the day of their settlement they can pursue any branch of industry, and can work mines, &c., subjecting themselves to the usual taxes, &c., on that branch of industry.

Art. 43. Municipal expenses, and all others which may be considered necessary for the new towns, shall be proposed to the government by the Ayuntamiento, and if approved by the Legislature, order it executed, &c.

Citizenship and Naturalization.

By Art. 27 of the Law of the Mexican Republic, of the 4th January, 1823, all foreigners, who come to establish themselves within the empire, shall be considered as naturalised, should they exercise any useful profession or in-

dustry, by which, at the end of three years, they have a capital to support themselves with decency and are *married*. Those who, with the foregoing qualifications, marry Mexicans, will acquire particular merit for the obtaining letters of citizenship.

Art 28. Congress will grant letters of citizenship to those who solicit them, in conformity with the constitution of the empire.

Art. 31. *Foreigners* who established themselves under a former government are entitled to the same privilege, and will remain on their lands, being governed by the tenor of this law in the distribution of lands. And by Art. 31 of the Law of Coahuila and Texas, having obtained land and established themselves, are from that moment considered naturalised in the country.

Colonists domiciliated out of the limits of the Republic lose title to their lands.

By Art. 15 of the Law of the Mexican Republic, of the 18th August, 1824, a person, who by virtue of this law acquires a title to lands, cannot hold them if he is domiciliated out of the limits of the Republic.

Contracts with Empresarios guaranteed by law.

By Art. 11 of the Law of the Republic of Mexico, of the 18th August, 1824, contracts which the empresarios make with the families which they bring at their own expense, this law guarantees.

Art. 9 of the Law of Coahuila and Texas of the 24th March, 1825, guarantees all contracts made by contractors, undertakers, or empresarios, with families brought at their expense, so far as they are conformable to its provisions.

Alienation of Lands.

By Art. 29 of the Law of the 4th January, 1823 of the Mexican Republic, every individual shall be free to leave the empire, and can *alienate* the lands over which he may have acquired the right of property, agreeably to the tenor of the law of the 4th January, 1823; and he can likewise take away from the country all his property, by paying the duties established by law. By

Art. 27 of the Law of Coahuila and Texas, passed 24th March, 1825, the contractors and military, heretofore spoken

of, and those who by purchase have acquired lands, can alienate them at any time, but the successor is obliged to cultivate them in the same time that the original proprietor was bound to do. The other settlers can alienate theirs when they have wholly cultivated them, and not before. By

Art. 28 of the same Law, by *testamentary will*, in conformity with the existing laws, or those which may govern in future, any new colonist, from the day of his settlement, may dispose of his land, although he may not have cultivated it, and, if he dies *intestate*, his property shall be inherited by the person or persons entitled by the laws to it; the heirs being subject to the same obligation and condition imposed on the original grantee. By

Art 30 of the same Law, the new settler who, wishing to establish himself in a foreign country, resolves to leave the territory of the State, can do so freely, with all his property; but after leaving the State, he shall not any longer hold his land, and if he had not previously sold it, or the sale should not be in conformity with the 27th article, it shall become entirely vacant.

All persons obtaining land from the Government obliged to take an oath to support the constitution. Residence of six years, and some small improvement, requisite to perfect title.

Under law of March, 1834; settlers empowered to sell the land before actual settlement or cultivation, but the second purchaser bound to do both, within six years from date of original title, or forfeit his land.

Lands shall not pass into Mortmain.

By Art. 29 of the Act of Coahuila and Texas, of the 24th March, 1824, lands acquired by virtue of this law shall not, by any title whatever, pass into mortmain. And by

Art. 13 of the Act of the Mexican Republic, of the 18th August, 1824, the new colonists shall not transfer their property in mortmain.

Articles free of Duty.

By Art. 26 of the Law of the Mexican Republic, of the 4th January, 1824, all the instruments of husbandry, machinery, and other utensils that are introduced by the Colonists for their use, at the time of their coming to the empire, shall be free, as also the merchandise introduced by each family, to the amount of 2,000 dollars.

By Art. 12 of the Law of the Mexican Republic, of the 6th of April, 1830, for and during the term of four years, the coasting trade shall be free to Foreign vessels for transportation of produce of the Colonists, to the ports of Matamoras, Tampico, and *Vera Cruz;* and by Art. 13 of the same Act, for and during the term of two years, the introduction of *frame houses,* and of every kind of foreign provisions shall be admitted into the ports of Galveston and Matagorda free of duty.

Slavery.

By Art. 30 of the Law of the Mexican Government, of the 4th January, 1823, after the publication of said Law, there can be no sale or purchase of slaves, which may be introduced into the Empire. The children of slaves, born in the empire, shall be free at fourteen years of age. By the Laws of Coahuila and Texas, passed 24th March, 1824, Art. 46, new settlers, as regards the introduction of slaves, shall subject themselves to the existing Laws, and those which may hereafter be established. And by a Law of the Congress of Coahuila and Texas, passed the 23d of March, 1831, there shall be formed in each town a *Register* of the *Slaves,* with a statement of their ages, names, and sexes.

Art. 2. A *Register* shall be kept of the birth of children of slave parents, since the publication of the Constitution, giving an account thereof to the government every three months. And in like manner an account of the death of slaves.

Art. 4. Importers of slaves, after the expiration of the time mentioned in the 13th Art. of the Constitution (11th September, 1827), will be subject to the penalties established by the General Law of the 13th July, 1824.

Art. 5. Slaves are free on the death of their owner, who has no lineal heirs (except owners are poisoned or assassinated by one of the slaves). And in case of descent by lineal heirs, one-tenth are free; to be determined by lot. By Art. 9 the free children of slaves shall receive a good education, and be bound out to trades by the Ayuntamiento; and by Art. 10 a fine of 500 dollars is imposed on the Ayuntamiento which neglects to see the law enforced.

By Art. 10 of the General Law of the Mexican Republic, of the 6th April, 1830, no change can be made with respect to Colonies already established, nor slaves they contain, but the prevention of the further admission of slaves shall be exacted under the strictest responsibilities.

Settlers not to hold more than Eleven Leagues.

By Art. 12 of the Law of the Mexican Republic, of the 18th August, 1824, it shall not be permitted to unite in the same hands, with the right of property, more than one *league square* of land suitable for irrigation; four square leagues in superficies of arable land, without the facilities of irrigation, and six square leagues in superficies of grazing land.

Indians.

By Art. 19 of the Law of Coahuila and Texas, of the 24th March, 1825, *Indians* of all Nations, bordering on the State, as well as wandering tribes within its limits, shall be received in the market, without paying any duties on the products of the country; and if they declare in favour of our religion and institutions, they shall be entitled to the same quantity of land as spoken of in the 14th and 15th articles, always *preferring* native Indians to strangers.

Titles to Land—how obtained.

By Art. 4 of Instructions to Commissioner appointed by the State, on the 4th September, 1827, the said Commissioner shall issue, in the name of the State, the titles for lands in conformity with the law, and put the new Colonists in possession of their lands with all legal formalities, and the previous citation of adjoining proprietors, should there be any.

Records of Land.

By Art. 8 of Instructions to Commissioner, of the 4th September, 1827, the Commissioner shall form a manuscript book of paper of the 3rd stamp, in which shall be written the titles of lands distributed to the Colonists, specifying the names, the boundaries, and other requisites and legal circumstances, and a certified copy of each title shall be taken from said book of the 2nd stamp, which shall be delivered to the interested person, as his title. The settler to pay the value of the stamp paper both for the original and copy.

Art. 10. This book shall be preserved in the archives of the new Colony, and an exact form of it shall be transmitted to the Government, with every legal requisite.

Witnesses.

By Art. 26 of Instruction to the State Commissioner, of

the 4th September, 1827. all public instruments, titles or other documents, issued by the Commissioner, shall be attested by two assistant witnesses.

Surveyors appointed by Commissioner.

By Art. 7 of Instruction to Commissioner, of the 4th September, 1827, the Commissioner shall appoint, under his own responsibility, the surveyor, who must survey the land scientifically, under oath, &c.

Art. 6. The Commissioner shall take care that no vacant lands be left between possessions; and in order that the lines of each may be clearly designated, he shall compel the Colonists, within the term of one year, to mark their lines, and to establish fixed and permanent corners.

Houses to be constructed within a limited time.

By Art 18 of Instruction to Commissioner, of the 4th September, 1827, he shall cause the holders of Town lots to construct houses on said lots within a limited time, under the penalty of forfeiting them.

Amount to be paid by New Settlers to the State

By Art. 22 of the Law of Coahuila and Texas, of the 24th of March, 1825, as an acknowledgment, the new settler shall pay to the State for each *sitio* of pasture land, 30 dollars; two dollars and a half for each *labor*, without the facility of irrigation, and 3.50 dollars for each one that can be irrigated, and so on, proportionally, according to the quantity and quality of the land distributed; to be paid, one-third in four, one-third in five, and one-third in six years, under the penalty of losing the land on failure of either payment. (Are excepted from this payment the *Contractors*, on account of their premium, and the *Military*, for lands obtained by their Diplomas.) The payments above referred to, to be made to the Ayuntamiento, &c.

By Art. 25 of the same Law, the price cannot be altered by the Legislature, nor as regards the quantity and quality, under six years.

Fees of Commissioner and Surveyor.

The Governor, by Art. 39 of the Act of the Legislature of Coahuila and Texas, of the 24th March, 1825, designates the fees of the Commissioner, who, in conjunction with the

Colonists, shall fix the Surveyor's fees, both to be paid by the Colonist.

Executive may sell or lease Lands.

By Art. 32 of the Law of the Mexican Republic, of the 4th of January, 1823, the Executive, as it may deem necessary, will sell or lease the lands, which, on account of their local situation, may be the most important, being governed, in respect of all others, by the provisions of this law.

Government may use Lands for National Defence.

By Art. 5 of the Law of the Mexican Republic, of the 4th January, 1823, should the Government deem it necessary to use any of the coast or border lands for the construction of warehouses, arsenals, or any other public edifice, they can do so with the approbation of the General Congress, or in its recess, of the Council of Government. And by the law of the Mexican Congress, of the 18th August, 1824, the Executive is empowered to take possession of (any) lands (in new colonies) that may be suitable for fortifications and arsenals for new colonies, indemnifying the State by a deduction from the debt due by such State to the Federation.

Commissioner to preside at all Popular Elections.

By Art. 23 of Instruction to Commissioner, by the law of Coahuila and Texas, of the 4th September, 1827, the Commissioner is to preside at all popular elections mentioned in the 40th Art. of the Colonization Law, for the appointment of the Ayuntamiento, and shall put the elected in possession of their offices.

Ferries.

By Art. 21 of the Law of Coahuila and Texas, of the 4th September, 1827, the Commissioner shall see that on the crossing of each of the rivers on the public roads where a town is founded, a Ferry is established at the cost of the inhabitants of said town: a moderate rate of ferriage shall be established to pay the salary of the ferryman and the cost of necessary boats, and the balance shall be applied to the public funds of the town.

By Art. 22, in places where there are no towns, and where Ferries are necessary, the Colonist who is settled there shall be charged with the establishment of the Ferry, collecting a moderate ferriage until such Ferry is rented out for the use of the State.—He shall form an exact and certified

account of all expenses, and also of the amount received—and if he has not received the amount disbursed, he is entitled to receive the balance due to him when the Ferry is surrendered to the State.

Spanish Language.

By Art. 26 of Instruction to Commissioners, by the Act of the Legislature of Coahuila and Texas, of the 4th September, 1827, all public instruments, titles, or other documents issued by the Commissioner, shall be written in *Spanish;* the memorials, report, and decrees of the Colonists, or Empresarios, on any subject whatever, shall be written in the same language, whether they are to be transmitted to Government or preserved in the archives of the colony.

Mexican Families.

By Art. 7 of the Act of the Mexican Congress, of the 6th April, 1830, Mexican Families who may voluntarily desire to become Colonists, shall be conveyed free of expense, subsisted during the first year, and receive a grant of land and the necessary implements of husbandry. They must conform to the laws of Colonization of the Federation and State in which they are settled.

Convicts removed to New Colonies.

By Arts. 5 and 6 of the Law of the Mexican Republic, of the 6th of April, 1830, Government may cause such number of convicts, destined for Vera Cruz and other places, as it may deem proper to be conducted to the colonies it may establish, to be employed in constructing fortifications, public buildings, and roads, which the respective Commissions may deem necessary, and at the expiration of service the convicts shall be furnished with land, if they desire to become colonists, subsistence for one year, and implements of husbandry: Government will pay the expense of such families as may desire to accompany them.

Government to appoint Agents to visit New Colonies.

By Art. 3 of the Laws of Mexico, of the 6th April, 1830, the Government shall appoint one or more Commissioners to visit the Colonies of the frontier States; to contract with the Legislatures of those States for the purchase, by the nation, of lands for the establishment of New Colonies

of Mexicans and Foreigners; to make arrangements for the security of the Republic within the Colonies already established; to watch over the exact compliance of the contracts on the entrance of new colonists, and to investigate how far the contracts already made have been complied with.

Foreigners.

By Art. 7 of the Law of the Mexican Republic, of the 18th of August, 1824, until after the year 1840 the General Congress shall not prohibit the entrance of any foreigner, as a colonist, unless imperious circumstances should require it, with respect to the individuals of a particular nation.

By Art. 8 of the same Law, Government, without prejudicing the objects of this law, shall take such precautionary measures as it may deem expedient for the security of the *confederation*, as respects tho foreigners who come to colonize.

Government authorised to expend 500,000 *dollars for Fortifications.*

By Art. 14 of the Law of Mexico, of the 6th of April, 1830, the Government is authorised to expend five hundred thousand dollars on the construction of fortifications and public buildings on the frontier, in the transportation of convicts and Mexican families to the new colonies, in the subsistence of such during one year, in implements of husbandry, transportation of troops, and premiums to agriculturists who may distinguish themselves in the colonies, and for the general purpose contemplated by the foregoing articles. The twentieth part of duties received on coarse cotton goods shall be employed to encourage cotton manufactories, by purchasing looms, machinery, &c., by furnishing small sums to aid in their establishment, to be apportioned among the States where this branch of industry exists, to be placed at the disposition of the Minister of Marine.

Executive can grant Lands to the Military.

By Art. 10 of the Law of Mexico, of the 18th of August, 1824, the military, who, in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to, by the States, in conformity to the diplomas which are issued to that effect by the Supreme Executive Power; and

by Art. 11 of the same Act, in virtue of the last article, and taking into consideration the probability of life, if the Supreme Executive Power should deem it expedient to alienate any portion of lands in favour of any officer, civil or military, of the *Federation,* it can do so from the *vacant lands* of the territories.

Public Works.

Art. 44 of the Law of Coahuila and Texas, of the 24th March, 1825. For the opening and improving of Roads, and other *Public Works,* in Texas, the Government will transmit to the chief of that department the individuals who in other parts of the State may have been sentenced to public works as vagrants, or for other crimes; and as soon as their term of condemnation has expired, they can unite themselves as settlers and obtain lands, if within the opinion of the Political Chief their reformation has made them worthy of such favour, without whose certificate they shall not be admitted.

Special Exemptions.

Law of Coahuila and Texas, 13th January, 1829, provides that until twelve years after possession, the lands acquired by virtue of the colonization laws, whether they be the general lands of the nation or particular lands of the state, by national or foreign colonists, or empresarios, shall not be subject to the payment of debts contracted previous to the acquisition of said lands, whatever may be the origin of said debts. After the expiry of twelve years, although the empresarios and colonists are open to the demand of such debts, they are not obliged to pay them with said lands, farming utensils, or instruments of their trade or merchandise.

Mode of Application.

By a Decree of the Congress of Coahuila and Texas, dated the 27th of March, 1831, it is decreed that any person petitioning Government for land, or using documents requiring stamped paper, must apply by himself or by proxy in order to secure the fees to Government, otherwise his application will receive no attention.

APPENDIX.—N°. IV.

DECLARATION

OF THE

PEOPLE OF TEXAS,

AND

PROVISIONAL GOVERNMENT,

PROCLAIMED AND ADOPTED IN

GENERAL CONVENTION,

HELD AT SAN FELIPE DE AUSTIN, NOVEMBER 3, 1835.

Declaration of the People of Texas in General Convention assembled.

WHEREAS General Antonio Lopez de Santa Anna and other military chieftains have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican Confederacy: now, the good People of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE—

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the Republican Principles of the Federal Constitution of Mexico of eighteen hundred and twenty-four.

2nd. That Texas is no longer, morally or civilly, bound by the Compact of Union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the

Mexican Confederacy as will take up arms against military despotism.

3rd. That they do not acknowledge that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against the said authorities, whilst their troops are within the limits of Texas.

5th. That they hold it to be their right during the disorganization of the Federal System, and the reign of despotism, to withdraw from the Union, to establish an independent Government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican Government so long as that nation is governed by the Constitution and laws that were formed for the government of the Political Association.

6th. That Texas is responsible for the expenses of her armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

8th. That she will reward by donations in land all who volunteer their services in her present struggle, and receive them as citizens.

These DECLARATIONS we solemnly avow to the world, and call GOD to witness their truth and sincerity; and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity.

Plan and Powers of the Provisional Government of Texas.

ARTICLE I.

That there shall be, and there is hereby created, a Provisional Government for Texas, which shall consist of a Governor, a Lieutenant-Governor, and a General Council, to be elected from this body, one member from each municipality, by the majority of each separate delegation present; and the Governor and Lieutenant-Governor shall be elected by this body.

ARTICLE II.

The Lieutenant-Governor shall be President of the Coun-

cil, and perform the duties of Governor in case of death, absence, or from other inability of the Governor, during which time a President, "*pro tem.*," shall be appointed to perform the duties of the Lieutenant-Governor in Council.

ARTICLE III.

The duties of the General Council shall be to devise ways and means, to advise and assist the Governor in the discharge of his functions: they shall pass no laws except such as, in their opinion, the emergency of the country requires—ever keeping in view the army in the field, and the means necessary for its comfort and support: they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence, Two-thirds of the members elect of the General Council shall form a quorum to do business; and, in order that no vacancy shall happen in the Council, if any member, from death or other casualty, shall be incapacitated to act, the Governor shall immediately, on information thereof, notify the member elected to fill the place; and on his default, any member who has been elected to this body from the same jurisdiction.

The Governor and Council shall be authorized to contract for loans, not to exceed one million of dollars, and to hypothecate the public lands, and pledge the faith of the country for the security of the payment: that they have power to impose and regulate import and tonnage duties, and provide for their collection under such regulations as may be most expedient. They shall have power, and it is hereby made the duty of the Governor and Council, to treat with the several tribes of Indians concerning their land claims, and if possible, to secure their friendship.

They shall establish post-offices and post-roads, and regulate the rates of postage, and appoint a Postmaster-General, who shall have competent power for conducting this department of the Provisional Government, under such rules and regulations as the Governor and Council may prescribe: they shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high Courts of Admiralty, agreeably to the Law of Nations.

They shall have power to appoint their own Secretary, and other officers of their own body; also, they shall have

the power to create and fill such offices as they may deem proper: provided, nevertheless, that this power do not extend to officers heretofore rejected by this House.

That the Governor and Council have power to organize, reduce, or increase the regular forces, as they may deem the emergencies of the country require.

ARTICLE IV.

The Governor for the time being, and during the existence of the Provisional Government, shall be clothed with full and ample executive powers, and shall be Commander-in-Chief of the army and navy, and of all the military forces of Texas, by sea and land; and he shall have full power by himself, by and with the consent of the Council, and by his proper commander or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of the country, to assemble in martial array and put in warlike attitude the inhabitants thereof; and to lead and conduct them by his proper officers, and with them to encounter, repel, resist, and pursue by force of arms, as well by sea and by land, within or without the limits of Texas; and also to destroy, if necessary, and conquer by all proper means and enterprises whatsoever, all and every such person or persons as shall, at any time, in a hostile manner, attempt or enterprise the destruction of our liberties, or the invasion, detriment, or annoyance of the country; and by his proper officers, use and exercise over the army and navy, and the militia in actual service, the law martial in time of war, invasion, or rebellion; and to take and surprise, by all honourable ways and means consistent with the law of nations, all and every such person or persons, with their ships, arms, ammunition, and goods, as shall, in a hostile manner, invade or attempt the invading or annoying our adopted country; and that the Governor be clothed with all these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

ARTICLE V.

There shall be constituted a provisional Judiciary in each jurisdiction represented, or which may hereafter be represented in this house, to consist of two judges, a first and second, the latter to act only in the absence or inability of the first,

and be nominated by the Council and commissioned by the Governor.

ARTICLE VI.

Every Judge, so nominated and commissioned, shall have jurisdiction over all crimes and misdemeanors recognised and known to the common law of England; he shall have power to grant writs of "habeas corpus" in all cases known and practised to and under the same laws; he shall have power to grant writs of sequestration, attachment, or arrest, in all cases established by the "Civil Code" and "Code of Practice" of the State of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases; and shall also be made a Court of Records for conveyances which may be made in English, and not on stamped paper; and that the use of stamped paper be, in all cases, dispensed with; and shall be the "Notary Public" for the respective Municipalities; all office fees shall be regulated by the Governor and Council. All other civil proceedings at law shall be suspended until the Governor and General Council shall otherwise direct. Each Municipality shall continue to elect a sheriff, alcalde, and other officers of Ayuntamientos.

ARTICLE VII.

All trials shall be by jury, and in criminal cases the proceedings shall be regulated and conducted upon the principles of the common law of England; and the penalties prescribed by said law, in case of conviction, shall be inflicted, unless the offender shall be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every convict to make application to the Governor and Council.

ARTICLE VIII.

The officers of the Provisional Government, except such as are elected by this house or the people, shall be appointed by the General Council, and all officers shall be commissioned by the Governor.

ARTICLE IX.

All Commissions to officers shall be, "in the name of the people, free and sovereign," and signed by the Governor and Secretary; and all pardons and remissions of fines granted, shall be assigned in the same manner.

ARTICLE X.

Every officer and member of the Provisional Government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the Constitution of Mexico of 1824, and obey the Declarations and Ordinances of the Consultation of the chosen Delegates of all Texas in General Convention assembled, and the Ordinances and Decrees of the Provisional Government; and I will faithfully perform and execute the duties of my office agreeably to law, and to the best of my abilities, so help me God."

ARTICLE XI.

On charges and specifications being made against any officer of the Provisional Government for malfeasance or misconduct in office, and presented to the Governor and Council, a fair and impartial trial shall be granted, to be conducted before the General Council; and if, in the opinion of two-thirds of the members. cause sufficient be shown, he shall be dismissed from office by the Governor.

ARTICLE XII.

The Governor and Council shall organize and enter upon their duties immediately after the adjournment of this House, and hold their sessions at such times and places as, in their opinion, will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

ARTICLE XIII.

The General Council shall appoint a Treasurer, whose duties shall be clearly defined by them, and who shall give approved security for their faithful performance.

ARTICLE XIV.

That all Land Commissioners, Empresarios, Surveyors, or persons in anywise concerned in the location of land, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land offices can be properly systematized by the competent authorities which may be hereafter established; that fit and suitable persons

be appointed to take charge of all the archives belonging to the different land offices, and deposite the same in safe places, secure from the ravages of fire or devastations of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers, and documents found in the several land offices, one of which shall be given to the Governor and Council, one left in the hands of the officers of the land office, the other to be retained by the said persons: and they are enjoined to hold the said papers and documents in safe custody, subject only to the orders of the Provisional Government, or some such competent authority as may hereafter be created. And the said persons shall be three from each Department as Commissioners to be forthwith appointed by this House, to carry this resolution into full effect, and report thereof to the Governor and Council. That the Political Chiefs immediately cease their functions. The different archives of the different primary Judges, Alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election and appointment; and the archives of the several Political Chiefs of Nacogdoches, Brazos, and Bexar shall be transmitted forthwith to the Governor and Council, for their disposition.

ARTICLE XV.

All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the Laws on Colonization under which they emigrated; and all persons who may emigrate to Texas during her conflict for Constitutional Liberty, and perform the duties of Citizens, shall also receive the benefit of the Law under which they emigrated.

ARTICLE XVI.

The Governor and Council shall continue to exist as a Provisional Government until the re-assembling of this Consultation, or until other Delegates are elected by the people, and another Government established.

ARTICLE XVII.

This Convention, when it may think proper to adjourn, may stand adjourned, to meet at the town of Washington

on the first day of March next, unless sooner called by the Executive and Council.

ARTICLE XVIII.

All grants, sales, and conveyances of lands, illegally or fraudulently made by the legislature of the State of Coahuila and Texas, located, or to be located, within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

ARTICLE XIX.

All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggle, without permission from the Alcalde or Judge of their Municipality, shall forfeit all or any lands they may hold, or may have claim to, for the benefit of this Government: *provided*, nevertheless, that widows and minors are not included in this provision.

ARTICLE XX.

All moneys now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the Governor and General Council, and the receipt of the Treasurer shall be a sufficient voucher for any and all persons who may pay moneys into the Treasury; and the Governor and Council shall have power to adopt a system of revenue to meet the exigencies of the country.

ARTICLE XXI.

Ample powers and authority shall be delegated, and are hereby given and delegated, to the Governor and General Council of the Provisional Government of all Texas, to carry into full effect the provisions and resolutions adopted by "the Consultation of the chosen Delegates of all Texas in General Convention assembled," for the creation, establishment, and regulation of said Provisional Government.

OF THE MILITARY.

ARTICLE I.

There shall be a Regular Army created for the protection of Texas during the present war.

ARTICLE II.

The Regular Army of Texas shall consist of one Major-General, who shall be Commander-in-Chief of all the forces called into public service during the war.

ARTICLE III.

The Commander-in-Chief of the Regular Army of Texas shall be appointed by the Convention, and commissioned by the Governor.

ARTICLE IV.

He shall be subject to the orders of the Governor and Council.

ARTICLE V.

His Staff shall consist of one Adjutant-General, one Inspector-General, one Quartermaster-General, one Paymaster-General, one Surgeon-General, and four Aids-de-Camp with their respective ranks, as in the United States Army in time of war, to be appointed by the Major-General and commissioned by the Governor.

ARTICLE VI.

The Regular Army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of the war.

ARTICLE VII.

The Regular Army of Texas, while in the service, shall be governed by the rules, regulations, and discipline, in all respects applicable to the regular army of the United States of America in time of war, so far as applicable to our condition and circumstances.

ARTICLE VIII.

The Regular Army of Texas shall consist of eleven hundred and twenty men rank and file.

ARTICLE IX.

There shall be a corps of Rangers under the command of a Major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion, under the Commander-in-Chief when in the field.

ARTICLE X.

The Militia of Texas shall be organised as follows: all able-bodied men over sixteen, and under fifty years of age, shall be subject to Militia duty.

ARTICLE XI.

Every inhabitant of Texas coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality, and proceed to elect one captain, one first lieutenant, and one second lieutenant to every fifty-six men.

ARTICLE XII.

When said election shall have taken place, the judges shall certify to the Governor forthwith the names of the respective officers elected, who shall, as soon as practicable, make out and sign, and transmit commissions for the same; that if there shall be found to exist in any municipality more than three companies, the Captains or Commandants, on giving due notice thereof, shall call together the subalterns of said companies, and proceed to elect one Major; if of four companies, one Lieutenant-Colonel; if of five or more companies, one Colonel for the command of said companies, which shall constitute a regiment of said municipality: that if there shall be found to exist more than one regiment in said municipality, the whole number of field and company officers shall on due notice proceed to elect a Brigadier-General out of their number, who shall command the whole Militia in said municipality.

BRANCH TANNER ARCHER, President.

APPENDIX.—N°. V.

THE

DECLARATION OF INDEPENDENCE

MADE BY THE

DELEGATES OF THE PEOPLE OF TEXAS,

IN

GENERAL CONVENTION, AT WASHINGTON,

ON MARCH 2, 1836.

WHEN a government has ceased to protect the lives, liberty, and property of the People, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression—When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted Federative Republic, composed of Sovereign States, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants—When, long after the spirit of the Constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the Constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to enforce a new government upon them at the point of the bayonet—

When, in consequence of such acts of malfeasance and

abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements—in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the People to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the general opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connexion with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its Colonization Laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and Republican government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers to us the cruel alternatives, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue, and this too, notwithstanding we have petitioned, in the humblest terms, for the establishment of a separate State government, and have, in accordance with the provisions of the National Constitution, presented to the General Congress a Republican Constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavour to pro-

cure the acceptance of our Constitution, and the establishment of a State government.

It has failed and refused to secure, on a firm basis, the right of Trial by Jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of Education, although possessed of almost boundless resources (the public domain), and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant parts for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen—and formidable only to tyrannical governments.

It has invaded our country both by sea and by land, with the intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

It has been, during the whole time of our connexion with

it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the National Constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

WE, *therefore, the delegates, with plenary powers, of the people of Texas, in solemn Convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connexion with the Mexican nation has for ever ended, and that the people of Texas do now constitute a* FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, *and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the supreme Arbiter of the destinies of nations.*

In witness whereof we have hereunto subscribed our names.

RICHARD ELLIS,
President and Delegate from Red River.

APPENDIX.—N°. VI.

EXECUTIVE ORDINANCES,

PRELIMINARY TO THE ESTABLISHMENT

OF A

CONSTITUTION FOR TEXAS,

ADOPTED IN CONVENTION

AT

WASHINGTON,

16th MARCH, 1836.

WHEREAS, we, the people of Texas, through our delegates in General Convention assembled, for the purpose of framing a Constitution, and organizing a Government under that Constitution, free, sovereign, and independent; and finding, from the extreme emergency of the case, and our critical situation, that it is a duty we owe to our fellow-citizens and ourselves, to look upon our present danger with a calmness unruffled and a determination unsubdued; and at the same time to pursue a prompt and energetic course, for the support of our liberty and protection of our property and lives; therefore,

1st. Resolved—That we deem it of vital importance to forthwith form, organize, and establish a Government, "*ad interim*," for the protection of Texas, which shall have full, ample and plenary powers to do all and every thing which is contemplated to be done by the general Congress of the people, under the powers granted to them by the constitution, saving and excepting all legislative and judicial acts.

2nd. Resolved—That said Government shall consist of a chief executive officer, to be styled the "President of the

Republic of Texas;" a Vice-President, Secretary of State, Secretary at War, Secretary of the Navy, Secretary of the Treasury, and Attorney-General, whose salaries shall be fixed and determined by the first Congress of the Republic.

3rd. Resolved—That all questions touching the powers hereby confided to these officers, shall be decided by a majority of said officers.

4th. Resolved—That the President be elected by this Convention: and that the candidate or individual having a majority of the whole number of votes given in, shall be, and is hereby declared to be duly elected.

5th. Resolved—That the Vice-President, the aforesaid Secretaries and Attorney-General, be elected by this Convention, a majority of the whole number of votes being requisite to a choice.

6th. Resolved—That the members of this body vote for the above-named officers "*viva voce.*"

7th. Resolved—That the officers so selected, be required to take the oath prescribed by the Constitution.

8th. Resolved—That the President, by and with the advice and consent of a majority of his cabinet, shall have the appointment of all officers, civil, military, and naval, for and during the existence of the Government "*ad interim.*"

9th. Resolved—That the Government aforesaid, shall be invested, and they are hereby invested with full powers to create a loan, not to exceed one million of dollars; and to pledge the faith and credit of the Republic, and the proceeds of the sale of the public lands, for the repayment of the same, with the interest thereon.

10th. Resolved—That the President and his cabinet shall have full power to appropriate the funds of Texas to the defence of the country, by raising and supporting the army and navy, making fortifications, &c.

11th. Resolved—That said officers hold their offices until their successors are chosen and qualified.

12th. Resolved—That the President by and with the advice and consent of his cabinet, shall have power to issue writs of election for senators and representatives, at an earlier day than that fixed by the Constitution, and convene them as soon after the election as may be convenient.

13th. Resolved—That the said Government have ample and plenary powers to enter into negotiations and treaties with foreign powers.

14th. Resolved—That the President and his cabinet have power to appoint commissioners to any foreign power.

The foregoing fourteen resolutions were adopted in Convention of the people of Texas, assembled at the town of Washington, on the sixteenth day of March, in the year of our Lord one thousand eight hundred and thirty-six.

RICHARD ELLIS,
President of the Convention.

Attest, A. S. KIMBLE, Secretary.

APPENDIX.—N°. VII.

CONSTITUTION

OF

THE REPUBLIC OF TEXAS.

We, the people of Texas, in order to form a Government, establish justice, ensure domestic tranquillity, provide for the common defence and general welfare, and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution.

ARTICLE I.

Sec. 1. The powers of this government shall be divided into three departments, viz.:—Legislative, Executive, and Judicial, which shall remain for ever separate and distinct.

Sec. 2. The Legislative power shall be vested in the Senate and House of Representatives, to be styled the Congress of the Republic of Texas.

Sec. 3. The members of the House of Representatives shall be chosen annually, on the first Monday of September each year, until Congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

Sec. 4. No person shall be eligible to a seat in the House of Representatives until he shall have attained the age of twenty-five years, shall be a citizen of the Republic, and shall have resided in the county or district six months next preceding his election.

Sec. 5. The House of Representatives shall not consist of less than twenty-four, nor more than forty members, until the population shall amount to one hundred thousand souls,

after which time the whole number of Representatives shall not be less than forty nor more than one hundred. Provided, however, that each county shall be entitled to at least one Representative.

Sec. 6. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Sec. 7. The Senators shall be chosen by districts, as nearly equal in free population (free negroes and Indians excepted) as practicable, and the number of Senators shall never be less than one-third nor more than one-half the number of Representatives, and each district shall be entitled to one member and no more.

Sec. 8. The Senators shall be chosen for the term of three years, on the first Monday in September,—shall be citizens of the Republic, reside in the district for which they are respectively chosen at least one year before the election, and shall have attained the age of thirty years.

Sec. 9. At the first session of Congress after the adoption of this Constitution, the Senators shall be divided by lot into three classes, as nearly equal as practicable; the seats of the Senators of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, the third class at the end of the third year, in such a manner that one-third shall be chosen each year thereafter.

Sec. 10. The Vice-President of the Republic shall be President of the Senate, but shall not vote on any question, unless the Senate be equally divided.

Sec. 11. The Senate shall choose all other officers of their body, and a President, *pro tempore*, in the absence of the Vice-President, or whenever he shall exercise the office of President; shall have the sole power to try impeachments, and when sitting as a Court of Impeachment, shall be under oath; but no conviction shall take place without the concurrence of two-thirds of all the members present.

Sec. 12. Judgment in cases of impeachment shall only extend to removal from office, and disqualification to hold any office of honour, trust, or profit, under this government; but the party shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

Sec. 13. Each House shall be the judge of the elections, qualifications, and returns of its own members. Two-thirds of each House shall constitute a quorum to do business, but

a smaller number may adjourn from day to day, and may compel the attendance of absent members.

Sec. 14. Each House may determine the rules of its own proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, may expel a member, but not a second time for the same offence.

Sec. 15. Senators and Representatives shall receive a compensation for their services, to be fixed by law, but no increase of compensation or diminution shall take effect during the session at which such increase or diminution shall have been made. They shall, except in case of treason, felony, or breach of the peace, be privileged from arrest during the session of Congress, and in going and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Sec. 16. Each House may punish, by imprisonment during the session, any person not a member, who shall be guilty of any disrespect to the House by any disorderly conduct in their presence.

Sec. 17. Each House shall keep a journal of its proceedings, and publish the same, except such part as, in its judgment, require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered on the journals.

Sec. 18. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two Houses may be sitting.

Sec. 19. When vacancies happen in either House, the Executive shall issue writs of election to fill such vacancies.

Sec. 20. No bill shall become a law until it shall have been read on three several days in each House and passed by the same, unless, in cases of emergency, two-thirds of the members of the House where the bill originated, shall deem it expedient to dispense with the rule.

Sec. 21. After a bill shall have been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 22. The style of the laws of the Republic shall be, "Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled."

Sec. 23. No person holding an office of profit under the Government shall be eligible to a seat in either House of

Congress, nor shall any member of either House be eligible to any office which may be created, or the profits of which shall be increased, during his time of service.

Sec. 24. No holder of public monies, or collector thereof, shall be eligible to a seat in either House of Congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either House may protest against any act or resolution, and may have such protest entered on the journals of their respective Houses.

Sec. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriations shall be made for private or local purposes, unless two-thirds of each House concur in such appropriations.

Sec. 26. Every Act of Congress shall be approved and signed by the President before it becomes a law; but if the President will not approve and sign such Act, he shall return it to the House in which it shall have originated, with his reasons for not approving the same, which shall be spread upon the journals of such House, and the bill shall then be reconsidered, and shall not become a law unless it shall then pass by a vote of two-thirds of both houses. If any Act shall be disapproved by the President, the vote on the reconsideration shall be recorded by ayes and noes. If the President shall fail to return a bill within five days (Sundays excepted) after it shall have been presented for his approval and signature, the same shall become a law, unless the Congress prevent its return within the time above specified by adjournment.

Sec. 27. All bills, acts, orders, or resolutions to which the concurrence of both Houses may be necessary (motions or resolutions for adjournment excepted), shall be approved and signed by the President, or, being disapproved, shall be passed by two-thirds of both Houses, in manner and form as specified in Sec. 20.

ARTICLE II.

Sec. 1. Congress shall have power to levy and collect taxes and imposts, excise and tonnage duties, to borrow money on the faith, credit, and property of the Government, to pay the debts, and to provide for the common defence and general welfare of the Republic.

Sec. 2. To regulate commerce, to coin money, to regulate the value thereof and of foreign coin, to fix the standard of weights and measures, but nothing but gold and silver shall be made a lawful tender.

Sec. 3. To established post offices and post roads, to grant charters of incorporation, patents, and copyrights, and secure to the authors and inventors the exclusive use thereof, for a limited time.

Sec. 4. To declare war, grant letters of marque and reprisal, and to regulate captures.

Sec. 5. To provide and maintain an army and navy, and to make all laws and regulations necessary for their government.

Sec. 6. To call out the militia to execute the law, to suppress insurrections and repel invasion.

Sec. 7. To make all laws which shall be deemed necessary and proper to carry into effect the foregoing express grants of power, and all other powers vested in the government of the Republic, or in any officer or department thereof.

ARTICLE III.

Sec. 1. The Executive authority of this government shall be vested in a chief magistrate, who shall be styled The President of the Republic of Texas.

Sec. 2. The first President elected by the people shall hold his office for the term of two years, and shall be ineligible during the next succeeding term; and all subsequent Presidents shall be elected for three years, and be alike ineligible; and in the event of a tie, the House of Representatives shall determine between the two highest candidates by viva voce vote.

Sec. 3. The returns of the elections for President and Vice President shall be sealed up and transmitted to the Speaker of the House of Representatives by the holders of elections of each county; and the Speaker of the House of Representatives shall open and publish the returns in presence of a majority of each House of Congress.

ARTICLE IV.

Sec. 1. The Judicial powers of the Government shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish.

The judges of the Supreme and Inferior Courts shall hold their offices for four years, be eligible to re-election, and shall, at stated periods, receive for their services a compensation not be increased or diminished during the period for which they were elected.

Sec. 2. The Republic of Texas shall be divided into convenient judicial districts, not less than three nor more than eight. There shall be appointed for each district a judge, who shall reside in the same, and hold the courts at such times and places as Congress may by law direct.

Sec. 3. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district courts shall have exclusive original jurisdiction, and original jurisdiction in all civil cases when the matter in controversy amounts to one hundred dollars.

Sec. 4. The judges, by virtue of their offices, shall be conservators of the peace, throughout the Republic. The style of all process shall be, "The Republic of Texas;" and all prosecutions shall be carried on in the name and by the authority of the same, and conclude, "against the peace and dignity of the Republic."

Sec. 5. There shall be a district attorney appointed for each district, whose duties, salaries, perquisites, and term of service shall be fixed by law.

Sec. 6. The clerks of the district courts shall be elected by the qualified voters for members of Congress in the counties where the courts are established, and shall hold their offices for four years, subject to removal by presentment of a grand jury, and conviction of a petit jury.

Sec. 7. The supreme court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

Sec. 8. The supreme court shall have appellate jurisdiction only, which shall be conclusive, within the limits of the Republic; and shall hold its session annually, at such times and places as may be fixed by law; provided, that no judges shall sit in a case in the supreme court tried by him in the court below.

Sec. 9. The judges of the supreme and district courts shall be elected by joint ballot of both Houses of Congress.

Sec. 10. There shall be in each county a county court,

and such justices' courts as the Congress may from time to time establish.

Sec. 11. The Republic shall be divided into convenient counties, but no new county shall be established unless it be done on the petition of one hundred free male inhabitants of the territory sought to be laid off and established, and unless the said territory shall contain nine hundred square miles.

Sec. 12. There shall be appointed for each county a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as Congress may direct. Justices of the peace and sheriffs shall be commissioned by the President.

Sec. 13. The Congress shall, as early as practicable, introduce, by statute, the common law of England, with such modifications as our circumstances, in their judgment, may require; and in all criminal cases, the common law shall be the rule of decision.

ARTICLE V.

Sec. 1. Ministers of the gospel being, by their profession, dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatever, shall be eligible to the office of the Executive of the Republic, nor to a seat in either branch of the Congress of the same.

Sec. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath to support the Constitution, as follows:

"I, A. B., do solemnly swear (or affirm, as the case may be), that, as a member of this general Congress, I will support the Constitution of the Republic, and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people."

Sec. 3. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the Constitution of the Republic, and also an oath of office.

ARTICLE VI.

Sec. 1. No person shall be eligible to the office of Pre-

sident who shall not have attained the age of thirty-five years, shall be a citizen of the Republic at the time of the adoption of the Constitution, or an inhabitant of this Republic at least three years immediately preceding his election.

Sec. 2. The President shall enter on the duties of his office on the second Monday in December next succeeding his election, and shall remain in office until his successor shall be duly qualified.

Sec. 3. The President shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and before entering upon the duties of his office, he shall take and subscribe the following oath or affirmation:

"I, A. B., President of the Republic of Texas, do solemnly and sincerely swear (or affirm, as the case may be), that I will faithfully execute the duties of my office, and to the best of my abilities preserve, protect, and defend the Constitution of the Republic."

Sec. 4. He shall be Commander-in-chief of the army and navy of the Republic, and militia thereof, but he shall not command in person, without the authority of a resolution of Congress. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons, except in cases of impeachment.

Sec. 5. He shall, with the advice and consent of two-thirds of the Senate, make treaties; and with the consent of the Senate, appoint ministers and consuls, and all officers whose offices are established by the Constitution, not herein otherwise provided for.

Sec. 6. The President shall have power to fill all vacancies that may happen during the recess of the Senate; but he shall report the same to the Senate within ten days after the next Congress shall convene; and should the Senate reject the same, the President shall not re-nominate the same individual to the same office.

Sec. 7. He shall, from time to time, give Congress information of the state of the Republic, and recommend for their consideration such measures as he may deem necessary. He may, upon extraordinary occasions, convene both Houses, or either of them. In the event of a disagreement as to the time of adjournment, he may adjourn them to such time as he may think proper. He shall receive all foreign ministers. He shall see that the laws be faithfully

executed, and shall commission all the officers of the Republic.

Sec. 8. There shall be a seal of the Republic, which shall be kept by the President, and used by him officially; it shall be called the great seal of the Republic of Texas.

Sec. 9. All grants and commissions shall be in the name and by the authority of the Republic of Texas, shall be sealed with the great seal, and signed by the President.

Sec. 10. The President shall have power, by and with the advice and consent of the Senate, to appoint a Secretary of State, and such other heads of executive departments as may be established by law, who shall remain in office during the term of service of the President, unless sooner removed by the President, with the advice and consent of the Senate.

Sec. 11. Every citizen of the Republic who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the general Congress.

Sec. 12. All elections shall be by ballot, unless Congress shall otherwise direct.

Sec. 13. All elections by joint vote of both Houses of Congress shall be viva voce, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

Sec. 14. A Vice President shall be chosen at every election for President, in the same manner, continue in office for the same time, and shall possess the same qualifications as the President. In voting for President and Vice President, the electors shall distinguish for whom they vote as President, and for whom as Vice President.

Sec. 15. In cases of impeachment, removal from office, death, resignation, or absence of the President from the Republic, the Vice President shall exercise the powers and discharge the duties of the President until a successor be duly qualified, or until the President, who may be absent or impeached, shall return or be acquitted.*

Sec. 16. The President, Vice President, and all civil officers of the Republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

SCHEDULE.

Sec. 1. That no inconvenience may arise from the adoption of this Constitution, it is declared by this Convention that all laws now in force in Texas, and not inconsistent with this Constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

Sec. 2. All fines, penalties, forfeitures, and escheats, which have accrued to Coahuila and Texas, or Texas, shall accrue to this Republic.

Sec. 3. Every male citizen, who is by this Constitution a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honour, trust, or profit under the Republic; any thing in this Constitution to the contrary notwithstanding.

Sec. 4. The first President and Vice President that shall be appointed after the adoption of this Constitution, shall be chosen by this Convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified; as prescribed in this Constitution; and shall have the same qualifications, be invested with the same powers, and perform the same duties, which are required and conferred on the executive head of the Republic by this Constitution.

Sec. 5. The President shall issue writs of election directed to the officers authorised to hold elections of the several counties, requiring them to cause an election to be held for President, Vice President, Representative, and Senators to Congress, at the time and mode prescribed by this Constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The President, Vice President, and members of Congress, when duly elected, shall continue to discharge the duties of their respective offices for the time and manner prescribed by this Constitution, until their successor be duly qualified.

Sec 6. Until the first enumeration shall be made, as directed by this Constitution, the precinct of Austin shall be entitled to one representative, the precinct of Brazoria to two representatives, the precinct of Bexar two representatives, the precinct of Colorado one representative, Sabine one, Gonzales one, Goliad one, Harrisburg one, Jasper one, Jefferson one, Liberty one, Matagorda one, Mina two, Na-

cogdoches two, Red River three, Victoria one, San Augustine two, Shelby two, Refugio one, San Patricio one, Washington two, Milam one, and Jackson one representative.

Sec. 7. Until the first enumeration shall be made, as described by this Constitution, the senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one Senator, San Patricio, Refugio, and Goliad one, Brazoria one, Mina and Gonzales one, Nacogdoches one, Red River one, Shelby and Sabine one, Washington one, Matagorda, Jackson, and Victoria one, Austin and Colorado one, San Augustine one, Milam one, Jasper and Jefferson one, and Liberty and Harrisburg one Senator.

Sec. 8. All judges, sheriffs, commissioners, and other civil officers shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the Constitution.

GENERAL PROVISIONS.

Sec. 1. Laws shall be made to exclude from office, from the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

Sec. 2. Returns of all elections for officers who are to be commissioned by the President, shall be made to the Secretary of State of this Republic.

Sec. 3. The Presidents and heads of departments shall keep their offices at the seat of government, unless removed by the permission of Congress, or unless in cases of emergency in time of war, the public interest may require their removal.

Sec. 4. The President shall make use of his private seal until a seal of the Republic shall be provided.

Sec. 5. It shall be the duty of Congress, as soon as circumstances will permit, to provide by law a general system of education.

Sec. 6. All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship.

Sec. 7. So soon as convenience will permit, there shall be a penal code formed, on principles of reformation, and not of vindictive justice; and the civil and criminal laws shall be revised, digested, and arranged under different heads; and all laws relating to land titles shall be translated, revised, and promulgated.

Sec. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship and such lands as they may hold in the Republic.

Sec. 9. All persons of colour who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude: Provided, the said slave shall be the *bona fide* property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the Republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slave-holder be allowed to emancipate his or her slave or slaves without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the Republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic, without the consent of Congress; and the importation or admission of Africans or negroes into this Republic, excepting from the United States of America, is for ever prohibited, and declared to be piracy.

Sec. 10. All persons, (Africans, the descendants of Africans, and Indians excepted,) who were residing in Texas on the day of the Declaration of Independence, shall be considered citizens of the Republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner:—Every head of a family shall be entitled to one league and labor of land; and every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have, previously to the adoption of this Constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land

received by them equal to one league and *labor*, and one-third of a league, unless by bargain, sale, or exchange, they have transferred or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the Republic; and in such case the person to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the government of this Republic. But if any citizen of this Republic should die intestate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of, and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the Republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the Republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

All orders of survey legally obtained by any citizen of the Republic, from any legally authorised commissioner, prior to the act of the late Consultation closing the land offices, shall be valid. In all cases, the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement in preference to all other claims not acquired previous to his settlement, according to the law of the land and this Constitution;—Provided, that nothing herein contained shall prejudice the right of any citizen from whom a settler may hold land by rent or lease.

And whereas the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoyment of their lands, is one of the great duties of this Convention: and whereas the legislature of Coahuila and Texas having passed an act in the year eighteen hundred and thirty-four, in behalf of General John T. Mason, of New York, and another on the fourteenth day of March, eighteen hundred and thirty-five, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the Republic, which said acts are contrary to articles fourth, twelfth, and fifteenth of the laws of eighteen hundred and twenty-four, of the General Congress of Mexico, and one of said acts, for that cause has,

by said General Congress of Mexico, been declared null and void: It is hereby declared that the said act of eighteen hundred and thirty-four, in favour of John T. Mason, and of the fourteenth of March, eighteen hundred and thirty-five, of the said legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts, are hereby declared to be null and void; and all eleven league claims, located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void; and whereas many surveys and titles to land have been made whilst most of the people of Texas were absent from home, serving in the campaign against Bexar, it is hereby declared that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are and shall be null and void.

And whereas the present unsettled state of the country and the general welfare of the people demand that the operations of the land office, and the whole land system shall be suspended until persons serving in the army can have a fair and equal chance with those remaining at home to select and locate their lands, it is hereby declared, that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorised by this Convention, or some future Congress of the Republic. And with a view to the simplification of the land system, and the protection of the people and the government from litigation and fraud, a general land office shall be established, where all the land titles of the Republic shall be registered, and the whole territory of the Republic shall be sectionised in a manner hereafter to be prescribed by law, which shall enable the officers of the government or any citizen to ascertain with certainty the lands that are vacant, and those lands which may be covered by valid titles.

Sec. 11. Any amendment or amendments to this Constitution may be proposed in the House of Representatives or Senate, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays thereon, and referred to the Congress then next to be chosen, and shall be published for

three months previous to the election; and if the Congress next chosen as aforesaid, shall pass said amendment or amendments by a vote of two-thirds of all the members elected to each house, then it shall be the duty of said Congress to submit said proposed amendment or amendments to the people, in such manner and at such times as the Congress shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of Congress voting thereon, such amendment or amendments shall become a part of this Constitution: Provided, however, that no amendment or amendments be referred to the people oftener than once in three years.

DECLARATION OF RIGHTS.

This declaration of rights is declared to be a part of this Constitution, and shall never be violated on any pretence whatever. And in order to guard against the transgression of the high powers which we have delegated, we declare that every thing in this bill of rights contained, and every other right not hereby delegated, is reserved to the people.

First.—All men, when they form a social compact, have equal rights, and no man or set of men are entitled to exclusive public privileges or emoluments from the community.

Second.—All political power is inherent in the people, and all free governments are founded on that authority, and instituted for their benefit: and they have at all times an inalienable right to alter their government in such a manner as they may think proper.

Third.—No preference shall be given by law to any religious denomination or mode of worship over another, but every person shall be permitted to worship God according to the dictates of his own conscience.

Fourth.—Every citizen shall be at liberty to speak, write, or publish his opinion on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libel, the truth may be given in evidence, and the jury shall have the right to determine the law and act under the direction of the court.

Fifth.—The people shall be secure in their persons, houses, papers and possessions, from all unreasonable searches or seizures, and no warrant shall issue to search any place or seize any person or thing, without describing

the place to be searched or the person or thing to be seized, without probable cause, supported by oath or affirmation.

Sixth.—In all criminal prosecutions, the accused shall have the right of being heard, by himself, or counsel, or both; he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favour And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury; he shall not be compelled to give evidence against himself, or be deprived of life, liberty, or property, but by due course of law. And no freeman shall be holden to answer for any criminal charge, but on presentment or indictment by a grand jury, except in the land and naval forces, or in the militia when in actual service in time of war or public danger, or in cases of impeachment.

Seventh.—No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Eighth.—No title of nobility, hereditary privileges or honours shall ever be granted or conferred in this Republic No person holding any office of profit or trust shall, without the consent of Congress, receive from any foreign state any present, office, or emolument of any kind.

Ninth.—No person, for the same offence, shall be twice put in jeopardy of life or limb. And the right of trial by jury shall remain inviolate.

Tenth.—All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "habeas corpus" shall not be suspended, except in cases of rebellion or invasion, when the public safety may require it.

Eleventh.—Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for any injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Twelfth.—No person shall be imprisoned for debt in consequence of inability to pay.

Thirteenth.—No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

Fourteenth.—Every citizen shall have the right to bear arms in defence of himself and the Republic. The military shall at all times and in all cases be subordinate to the civil power.

Fifteenth.—The sure and certain defence of a free people is a well regulated militia; and it shall be the duty of the legislature to enact such laws as may be necessary to the organization of the militia of this Republic.

Sixteenth.—Treason against this Republic shall consist only in levying war against it, or adhering to its enemies, giving them aid and support. No retrospective or ex post facto law, or laws impairing the obligations of contracts, shall be made.

Seventeenth.—Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or entailment ever be in force in this Republic.

The foregoing Constitution was unanimously adopted by the Delegates of Texas, in Convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the Republic the first.

In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,
President and Delegate from Red River.

C. B. STEWART,
JOHN S. ROBERTS,
JAMES COLLINSWORTH,
ROBERT HAMILTON,
EDWIN WALLER,
COLLIN M'KINNEY,
A. BRIGHAM,
A. H. LATIMORE,
JOHN S. D. BYROM,
JAMES POWER,
FRANCIS RUIS,
SAM. HOUSTON,
J. ANTONIO NAVARRO,
EDWARD CONRAD,
WILLIAM D. LACY,
MARTIN PALMER,
WILLIAM MENIFEE,
JAMES GAINES,
JOHN FISHER,
WILLIAM CLARK, JUN.
MATTHEW CALDWELL,
SYDNEY O. PENNINGTON,
WILLIAM MOTLEY,
SAMUEL P. CARSON,
LORENZO D. ZAVALA,
THOMAS J. RUSK,
GEORGE W. SMITH,
WILLIAM C. CRAWFORD,
STEPHEN H. EVERETT,
JOHN TURNER,
ELIJAH STEPP,
BENJ. B. GOODRICH,
CLAIBORNE WEST,
JAMES G. SWISHER,
WILLIAM B. LEATES,
GEORGE WM. BARNET,
M. B. MENARD,
JESSE GRIMES,

A. B. Hardin,
E. O. Legrand,
John W. Bunton,
David Thomas,
Thomas J. Gazley,
S. Rhoads Fisher,
R. M. Coleman,
John W. Bower,
Sterling C. Robertson,
J. B. Woods.
George C. Childress,
A. Briscoe,
Baily Hardiman,
Thomas Barnett,
Robert Potter,
Jesse B. Badgett.
Charles Taylor,
Stephen W. Blount.

I do hereby certify, that I have carefully compared the foregoing Constitution, and find it to be a true copy from the original filed in the archives of the Convention.

Given under my hand, this 17th day of March, 1836.

(Attest.) H. S. Kimble, *Sec. of the Convention.*

APPENDIX.—N°. VIII.

ANGLO-TEXAN LEGISLATION.

LIST OF THE

GENERAL ORDINANCES AND DECREES

OF THE

PROVISIONAL GOVERNMENT OF TEXAS.

An ordinance making provision for the army now in the field.

An ordinance and decree regulating offices under the Provisional Government.

An ordinance declaring the mode of passing, signing, and publishing the Ordinances, Decrees, and Resolutions of the Provisional Government of Texas.

An ordinance and decree authorising certain officers to administer the Oath of Office prescribed by the Organic Law, creating a Provisional Government of Texas.

An ordinance to authorise and empower Thomas F. M'Kinney, of Velasco, to borrow one hundred thousand dollars; and making it the duty of the Governor to give him corresponding commission, instructions, &c.

An ordinance prescribing the manner and form of settling the accounts of the volunteer army of Texas.

An ordinance and decree to establish and organise a Corps of Rangers.

An ordinance and decree to raise a regular army.

An ordinance and decree for granting Letters of Marque and Reprisal.

An ordinance for appointing a Treasurer to the Provisional Government of Texas, a Secretary to the Executive and two Chief Clerks; defining their several duties, &c.

An ordinance and decree establishing a Navy.

An ordinance regulating the Militia.

An ordinance and decree for advancing the sum of fifteen hundred dollars for the benefit of the Volunteer

Army of the people, under the command of General S. F. Austin, and other purposes.

An ordinance appointing a Commissary to take charge of volunteers for the army, and defining his duties.

An ordinance and decree supplementary to "An ordinance and decree, appointing a Commissary to take charge of the volunteers of the army, and defining his duties;" passed November 27th, 1835.

An ordinance and decree to purchase munitions of war, provisions, arms, &c., for the army of Texas, and defence of the sea-coast.

An ordinance and decree to purchase provisions for the volunteer army of the people of Texas.

An ordinance and decree supplementary to an ordinance and decree, entitled "An ordinance and decree, granting Letters of Marque and Reprisal," dated November 25th, 1835.

An ordinance and decree authorising and requiring the Governor to appoint a Commissioner in the several municipalities to administer oaths, &c.

An ordinance and decree authorising the Governor to grant registers to vessels.

An ordinance and decree for supplying the Army of the people, now in the field before Bexar, with money, and for other purposes.

An ordinance and decree to raise a loan for the use of the provisional government of Texas.

An ordinance creating a municipality off, and from the west side of the present municipality of Matagorda, to be called the municipality of Jackson.

Resolution relating to rank of officers in the regular army.

Resolution authorising the Commander-in-Chief to accept the services of five thousand auxiliary volunteers, and for other purposes.

Resolution authorising the treasurer to draw on the Commissioners at New Orleans.

Supplement to an ordinance and decree entitled, "an ordinance and decree establishing and imposing duties of imports and tonnage, and for other purposes."

An ordinance and decree increasing the bounty to soldiers of the regular army.

Resolution appointing Thomas F. M'Kinney agent, &c.

An ordinance and decree for creating the municipality of Sabine, and for organising the same.

An ordinance and decree for sequestrating and securing the wreck and cargo of the schooner Hannah Elizabeth, and instituting an inquiry respecting the same; and for other purposes.

An ordinance and decree augmenting the regular army by creating a legion of cavalry.

An ordinance and decree creating the office of Commissary-General, and regulating the offices of Paymaster and Quartermaster-General

An ordinance and decree making an appropriation for the regular army, and for other purposes.

Resolution appointing commissioners to treat with the Cherokee Indians, &c.

Resolution for instructing commissioners appointed to treat with the Cherokee Indians, and their associate bands.

Resolution changing the name of the municipality and Town of Viesca to Milam.

Resolution authorising all commissioned officers to administer the oath prescribed by law to persons enlisting.

An ordinance and decree creating the officers of auditor and comptroller of public accounts for Texas.

An ordinance and decree establishing and imposing duties on importations and tonnage, and for other purposes.

An ordinance and decree to organise and establish an auxiliary volunteer corps to the army of Texas, and for other purposes.

Resolution authorising W. Pettus to purchase certain articles for the use of the volunteer army now in the field.

An ordinance and decree designating the boundaries of the municipality of Jefferson, and for other purposes.

An ordinance and decree authorising and requiring the governor to give instructions to commissioners to the United States of the North.

An ordinance confirming the appointment of Colonel William Pettus, as contractor for the volunteer army, near Bexar.

A Resolution authorising the commanding general to send one or two agents, &c, with the commissioners to the United States, &c.

A resolution authorising the commissioners to the United States to divide the deposit between the Union Bank of Louisiana and the Bank of Orleans.

Resolution authorising our Foreign agents to receive denations for Texas.

Resolution relative to General Mexia.

An ordinance and decree to provide for the outfit and contingent expenses of our foreign agents to the United States of America.

Resolution relating to the prisoners taken at Goliad.

An ordinance and decree for creating a general post-office.

Resolution directing the governor to instruct our Foreign agents, &c.

A resolution for calling a Convention.

An ordinance and decree granting a bounty of land to certain volunteers in the army of the people of Texas.

An ordinance and decree establishing and imposing duties on imports and tonnage, and for other purposes.

An ordinance and decree appointing collectors of public dues, and defining their duties.

An ordinance and decree defining the boundary of the municipality of Harrisburg, and for other purposes.

Resolution requiring the chairman of committee of finance to act as comptroller of public accounts, *pro tem.*, in case of that office being vacated.

An ordinance and decree to prevent the importation and emigration of free negroes and mulattoes into Texas.

An ordinance and decree prescribing the manner in which all claims held against the Provisional Government of Texas, of any kind whatever, by the officers, non-commissioned officers, and privates of the volunteer army of the people, shall be presented for payment; and also, to prevent fraud and imposition upon the Government.

An ordinance and decree authorising and commissioning Thomas J. Chambers to raise an army, &c., to be called "The Army of Reserve, for the protection of the liberties of Texas," and for other purposes.

An ordinance and decree authorising and empowering Thomas F. M'Kinney and Samuel M. Williams, of the firm of M'Kinney and Williams, to effect a loan of one hundred thousand dollars, and for other purposes.

An ordinance and decree authorising the purchase of certain armed vessels of M'Kinney and Williams, and regulating the Naval service.

An ordinance and decree for the better accommodation of the claims against the Government of Texas.

An ordinance and decree creating a new municipality, to be called Colorado, and for organizing the same.

An ordinance and decree supplemental to "An ordinance and decree appointing a collector of public dues, and defining his duties."

Resolution providing for the troops at Bexar.

An ordinance and decree entitled, "An ordinance and decree for opening the several courts of justice, appointing clerks, prosecuting attorneys, and defining their duties," &c.

Resolutions appointing commissioners to treat with the Comanche Indians.

Resolution requiring the late Governor, Henry Smith, to deliver up the papers, records, &c., of the Executive department, and for other purposes.

Resolution for appointing a committee of finance, and defining its duties.

Resolution for appointing an advisory committee of the council, and for other purposes.

Resolution giving certain powers to the acting governor, in the event of there not being a quorum of the council present.

An ordinance and decree creating the office of Marshal of Texas, and defining his duties.

Executive ordinance.

Acts and Joint Resolutions of the Congress of the Republic of Texas in 1836 *and* 1837.

An act authorising the President of the Republic to appoint his cabinet officers.

Joint resolution recognising the orders of Gen. T. J. Rusk, relative to certain mail routes and carriers.

Joint resolution for sending a minister to the United States.

An act providing for the increase of the navy.

An act providing rations and other comforts for soldiers, and widows of soldiers, at the town of Columbia.

An act to authorise the President to negotiate a loan on the bonds of the Government not exceeding five million dollars.

Joint resolution explaining the different acts in relation to volunteers, and extending the acts relating to bounty lands.

An act for establishing rules and articles for the government of the armies of the Republic of Texas.

Joint resolution prescribing the oaths of office.

Joint resolution authorising the President to re-organise the army.

An act to protect the frontier.

An act to provide for the national defence by organising the militia.

An act compensating officers of the civil list.

An act relinquishing to Michael B. Menard and others one league and labor of land on the east end of Galveston Island.

An act adopting a national seal and standard for the Republic of Texas.

An act establishing an agency in the city of Mobile.

An act defining the pay of mounted riflemen, now and hereafter in the ranging service on the frontier.

Joint resolution authorising the President to negotiate a loan for twenty thousand dollars.

Joint resolution authorising the President to issue scrip to the amount of five hundred thousand acres of land.

Joint resolution defining the duties of the heads of departments of government.

An act locating temporarily the seat of government.

An act to establish and organise the supreme court, and to define the powers and jurisdiction thereof.

An act making appropriations for paying the expenses of the government of Texas.

An act establishing regulations and instructions for the government of the naval service of Texas.

An act to incorporate the Texas Rail-road, Navigation, and Banking Company.

Joint resolution requiring the justices of the county courts to inform the Secretary of State concerning the boundaries of their respective counties.

An act to define the boundaries of the Republic of Texas.

An act authorising the printing and publishing the laws of the Provisional Government, the acts of the Convention of March last, and the present congress.

Joint resolutions making specific appropriations.

An act establishing fees of office.

An act organising justices' courts and defining the powers and jurisdiction of the same, and also creating and defining the office and powers of commissioners of roads and revenue.

An act to raise a revenue by import duties.

An act organising the inferior courts, and defining the powers and jurisdiction of the same.

An act supplementary to an act organising the inferior courts, and defining the powers and jurisdictions of the same.

An act authorising and requiring county courts to regulate roads, appoint overseers, and establish ferries, &c.

An act to organise and fix the military establishment of the Republic of Texas.

An act creating a general post-office, &c.

An act for the election of sheriffs, coroners, and constables, and defining their several duties.

An act punishing crimes and misdemeanors.

Joint resolutions for the relief of the late comptroller and the clerks of the different departments, under the government *ad interim*.

An act appropriating lands, to keep in operation the post-office department, during the year 1837.

An act supplementary to an act for the punishment of crimes and misdemeanors.

An act establishing the jurisdiction and powers of the district courts.

Joint resolution allowing pay to chaplains.

An act regulating estrays.

An act to establish a general land office for the Republic of Texas.

An act locating the seat of justice for the county of Harrisburg, and other purposes.

Joint resolution authorising the President to receive forty thousand volunteers.

Joint resolution requesting the President to appoint an agent to the court of Great Britain.

An act to suppress gambling.

Joint resolution requiring the President to appoint a secretary of legation to the embassy to England.

Joint resolution for the relief of free persons of colour.

Joint resolution relating to election for the depopulated districts.

An act to legalise certain marriages; to provide for the celebration of marriages, and for other purposes.

Joint resolution respecting mail routes.

An act to incorporate the trustees of Independence Academy, and of the University of San Augustine.

An act to incorporate the trustees of Washington College.

An act to incorporate the town of Nacogdoches and other towns herein named.

Joint resolution requiring the attorney-general to report to the next session of Congress.

An act to regulate the pay of pursers in the navy.

Joint resolution for the amendment of the militia law.

An act to authorise the consolidation and funding of the public debt.

An act concerning the fees of sheriffs, constables, and solicitors.

Joint resolution authorising the President to leave the seat of government for the space of thirty days, to organise the corps of mounted gun men.

An act for the incorporation of the town of Liberty.

Joint resolution authorising the sheriffs of the different counties of this Republic to rent or lease houses, employ guards, &c.

Joint resolution defining the powers of the commissioners of roads and revenue.

An act to prescribe the mode of holding courts of admiralty.

Joint resolution for all agents of government to give security for the faithful performance of their duties.

Joint resolution respecting fees of attorneys.

An act supplementary to an act establishing the county of Houston.

An act authorising the issuing the promissory notes of the government.

Joint resolution authorising the President to send an agent to the United States, to settle with the agents for land scrip.

An act to raise a public revenue by import duties.

An act to raise a public revenue by direct taxation.

Joint resolution for publishing the laws and journals.

An act supplementary to an act entitled "An act to establish a general land-office for the Republic of Texas," passed December 22nd, 1836.

An act supplementary to an act entitled " An act supplementary to an act establishing a general land-office in the Republic of Texas, passed December 22nd, 1836."

An act authorising the President to call out the militia.

An act to dispose of Galveston and other Islands of the Republic of Texas.

Joint resolution for employing extra clerks in the auditor's office.

Joint resolution for the benefit of Texan prisoners taken by the Mexicans.

An act establishing the county of Houston.

An act to authorise the President to appoint a Commissioner to run the boundary line between the United States of America and the Republic of Texas.

An act for the relief of ministers of the Gospel.

An act supplementary to the several acts organising the respective counties of this Republic.

An act to authorise justices of the county courts to act as judges of probate and notaries public in certain cases.

An act for the better protection of the northern frontier.

A resolution regulating the meeting of Congress.

Joint resolution in regard to the payment of district judges.

Joint resolution to suspend the operations of the land-office until the further action of Congress.

Joint resolution making an appropriation to pay the public printers.

Joint resolution making appropriation of moneys for the use of the Hospital.

Joint resolution locating permanently the seat of government.

Joint resolution authorising Wm. G. Cooke to sign the name of the President to the promissory notes of the Government.

An act regulating elections.

Joint resolution requiring the chief justice of the county of Brazoria to issue writs of election.

An act authorising an appropriation for the Post-Office.

Joint resolution to authorise the secretary of war to grant discharges.

Joint resolution granting letters of marque and reprisal.

An act to incorporate the town of Shelbyville, and granting further powers to the corporations of San Augustine and Nacogdoches.

An act for augmenting the Navy, and making an appropriation therefor.

An act regulating the proceedings before justices of the peace.

Joint resolution requiring the secretary of war to execute certain duties.

An act to provide for auditing contingent expenses of both Houses of Congress, and making appropriation therefor.

An act to provide for the appointment of notaries public.

An act to incorporate the town of Brazoria.

An act appropriating money for the purchase of a house for the use of the President.

An act to incorporate the city of Richmond, and the towns of San Felipe de Austin and Lagrange.

An act fixing the salary of Indian commissioners.

An act amendatory of the several acts and ordinances granting bounty lands.

Joint resolution making appropriations for the general land-office, and to defray the contingent expenses of both Houses of Congress.

An act to incorporate the Colorado Navigation Company.

An act creating the county of Montgomery.

An act regulating the time of holding district courts of Brazoria, Matagorda, and Jackson counties.

An act to establish the county of Fayette.

An act incorporating the city of San Antonio and other towns therein named.

An act to create a board of medical censors for the Republic of Texas.

Joint resolution to compensate the commissioners appointed to select a site for the seat of government.

An act to define the boundaries of the county of Gonzales.

An act to provide for the punishment of crimes and misdemeanors committed by slaves and free persons of colour.

Joint resolution concerning the public archives.

Joint resolution authorising the treasurer of the Republic to issue change notes.

An act to clear out the rivers Attoyac, Angelina, and Neches.

An act to prevent the issuing of individual printed or lithographed notes.

An act to define the boundaries of the county of Shelby.

An act to define the boundaries of the county of Washington.

An act to incorporate the town of Matagorda.

Joint resolution for the purchase of the steamer Pulaski.

An act to pay the officers and soldiers of the army and navy.

An act supplementary to "An act to pay the officers, soldiers and sailors of the army and navy."

An act to define the boundaries of the counties of San Augustine and Sabine.

An act creating the county of Fannin.

Joint resolution locating permanently the seat of justice for the county of Brazoria.

An act to define the boundaries of Jasper county.

An act creating the county of Robertson.

An act to sustain the currency of the country.

An act to prohibit the further sale of land scrip.

An act to require the district judges to preside permanently in their proper districts, and for other purposes.

Joint resolution to select a committee of five, &c. to locate the seat of government.

An act precluding aliens from being appointed to office.

An act entitled " An act to reduce into one act, and to amend the several acts relating to the establishment of a General Land-Office."

An act to incorporate the Texas Steam Mill Company.

An act supplementary to an act to appoint a board of medical censors.

An act to incorporate the town of Mina.

An act to amend the act entitled "An act to raise a revenue by import duties."

An act to incorporate the Brazoria Insurance Company.

An act to define the boundaries of the county of Liberty.

An act supplementary to an act entitled "An act to organise the militia of this Republic."

An act to encourage steam navigation.

An act to amend the several laws regulating the post-office department.

An act relating to the pay and allowances of the officers and soldiers of the army.

An act to define the boundaries of the county of Red River.

Joint resolution altering the name of the county and town of Mina.

Joint resolution relative to Consulates.

An act to define the boundaries of the county of Mina.

An act to provide for the publication of the laws and journals of the Republic of Texas.

An act making provisions for persons who have been permanently disabled in the service of Texas.

An act amending the judiciary laws of the Republic.

An act to provide for taking testimony by interrogatories.

An act to authorise the Postmaster-general to establish a post route.

Joint resolution to translate the laws of the Republic into the Castilian language.

Joint resolution authorising F. R. Lubbock to procure cisterns for the use of the capitol.

Joint resolution for appointing two legal gentlemen to compile a judicial code of laws for the Republic of Texas.

An act to authorise the judges of the district courts to hold special terms in certain cases therein named.

An act authorising persons to dispose of property by will.

An act to create a justice of the peace and constable for Galveston Island.

An act granting lands to those who were in the battle of San Jacinto and other battles.

An act to define the boundaries of the county of Jefferson.

An act to authorise the clerks of the several courts to appoint deputies, and requiring them to keep their offices at the county seat.

An act supplementary to an act to incorporate the Colorado Navigation Company.

An act supplementary to an act to raise a public revenue by direct taxation.

Joint resolution providing for the purchase of provisions and munitions of war.

Joint resolution respecting county surveyors.

An act to incorporate the city of Houston and other towns therein named.

Joint resolution incorporating the town of Columbia.

An act to create the county of Fort Bend.

An act to regulate proceedings of the several courts in certain cases.

An act defining the boundaries of the county of Jackson.

Joint resolution to incorporate certain towns therein named.

Public Acts and Joint Resolutions of the Congress of Texas in 1838 *and* 1839.

An act securing the right of appeal.

An act to repeal a part of an act incorporating the town of Gonzales.

An act supplementary to an act creating the county of Fayette.

An act providing for the removal of county seats of justice.

A bill to repeal a certain act therein named.

Joint resolution authorising the President and Commissioner of the General Land Office to issue titles to purchasers of lots on Galveston Island.

A bill to create and define the senatorial district of Austin, Colorado, and Fort Bend.

An act to incorporate the Caney Navigation Company.

An act authorising the President to appoint notaries public.

An act to authorise the President to raise a corps of cavalry.

An act to provide for the foreclosing of mortgages on real and personal estates.

An act establishing the county of Galveston.

An act authorising the payment of the interest of the funded debt.

An act to authorise the President to negotiate a loan on the bonds of the Government, not exceeding five millious of dollars.

Joint resolution appropriating 500 dollars for purchasing a set of astronomical instruments.

Joint resolution relative to the claims of officers and soldiers of the army.

An act providing for the location of land scrip issued by an act of Congress, dated the 6th day of December, 1836, and for redeeming the same.

An act for the relief of persons therein named.

An act to provide for the settlement of deceased soldiers, estates.

An act supplementary to an act to raise a public revenue by import duties.

An act to authorise the President to re-issue the promissory notes of the Government as they return into the Treasury, and making special appropriations.

An act appointing pilots.

An act establishing a mail route from Galveston to Matagorda and Texana.

An act providing for the punishment of offences in depopulated counties.

An act providing for the payment of the first loan to Texas.

An act to amend an act incorporating the city of San Antonio and other towns.

An act to amend an act entitled an act establishing District Courts.

Joint resolution fixing the dividing line between the counties of Bexar and San Patricio.

Joint resolution establishing certain mail routes therein named.

An act supplementary to an act providing for the location of land scrip, issued under the act of Congress dated 6th December, 1836, and for redeeming the same.

Charter of Galveston and Brazos rail-road.

An act to amend the direct tax law.

An act respecting the abatement of suits, &c.

An act supplementary to an act granting lands to those who were in the battle of San Jacinto and other battles.

An act to define the boundary line of the county of Montgomery.

An act supplementary to an act entitled an act to authorise the clerks of the several courts to appoint deputies, approved Dec. 21, 1837.

An act defining the boundaries of the counties of Bastrop and Gonzales.

An act better to define the duties of sheriffs.

Joint resolution providing for issuing certificates of head-rights to the heirs of those who fell with or under Fannin, Travis, Grant, and Johnson.

An act defining the boundaries of Austin County.

An act relative to the duties of the collector of the port of Velasco.

An act appointing Commissioners to view and mark out a road from Bastrop to Red River.

Joint resolution appropriating money for the protection of the frontier.

Joint resolution authorising the President to draw funds for transporting arms, munitions, troops, &c., &c.

Joint resolution requiring the President to grant commissions.

An act authorising the President to issue the promissory notes of the Government.

Joint resolutions legalising commissions of military officers, &c.

An act entitled an act to authorise the judge of the first judicial district to hold a special term of the district court in the county of San Augustine.

Joint resolution authorising the President to renew the lease of the Capitol.

Joint resolution requiring the treasurer to pay certain drafts therein named.

An act validating certain acts therein named.

An act making appropriation for the post office department.

Joint resolution requiring the secretary of war to discharge certain soldiers therein named.

An act appropriating 5000 dollars for the contingent expenses of both Houses of Congress.

An act to amend an act entitled an act amending the judiciary laws of the Republic, approved Dec. 1837.

An act entitled an act to change a certain post route therein named.

An act to incorporate the Neches Steam Mill Company.

An act to incorporate the town of Beaumont and the town of Jasper.

An act to exempt from direct taxation certain citizens of certain counties.

Joint resolution for the relief of Antonio Manchaca.

An act to incorporate the towns of Milam and Zavala.

An act to establish a mail route from the city of Houston to the town of San Augustine, by way of Captain Hiram's on the Trinity river, Belt's ferry on the river Neches, and Nathaniel Hunt's on the Ayish Bayou.

An act entitled an act to amend an act to provide for the settlement of deceased soldiers' estates, approved May 17, 1838.

An act to incorporate the Bastrop Steam Mill Company.

An act entitled an act to amend an ordinance entitled an ordinance granting bounties of land to volunteers.

An act defining the place for the receipt of land dues.

An act entitled an act for the further protection of the frontier against the Comanche and other Indians.

An act entitled an act for the protection of a portion of the frontier.

An act entitled an act to authorise the first auditor to audit the claims created under the command of Major-General Thomas J. Rusk and others, in a campaign against the hostile Mexicans and Indians, in the year 1838.

An act to incorporate the town of Raleigh in Fannin county.

An act entitled an act to extend to late emigrants, or those who may emigrate within a specified time, a donation of land.

An act confirming the contract of Messrs. Williams and Burnley for the purchase of a steam-vessel.

Joint resolution for the punishment of vagrants.

An act entitled an act to have the seat of justice of Fannin county permanently located.

An act to repeal an act entitled an act to encourage steam navigation.

An act for the better defining the dividing line between the counties of Austin and Fort Bend, west of the Brazos.

An act entitled an act for the location of the seat of government.

An act to authorise the raising a company of men for the ranging service.

. Joint resolution appropriating two thousand dollars for Indian purposes.

An act entitled an act fixing the standard of silver and gold coin in this republic.

An act entitled an act to authorise the commissioner of the general land-office to receive the government dues on land.

An act to punish certain offences therein named.

An act to incorporate the towns of Comanche and Waterloo.

An act the better to define the duties of recorders.

An act to prohibit the driving of cattle from that part of the country west of the Guadalupe.

An act to establish a mail route from Clarksville to Shelton.

An act supplementary to an act entitled an act for establishing fees of office.

An act entitled an act to define the time of holding Justice Courts.

An act entitled an act supplementary to the judiciary laws of this Republic.

An act entitled an act to define the time of sheriffs' sales and the manner of advertising.

An act to establish a port of entry to be called La Baca.

An act to provide for the raising of three companies of mounted volunteers for frontier service against the hostile Indians.

Joint resolution providing for the printing of the rules and regulations of the army of this Republic.

Joint resolution supplementary to the joint resolution for appointing two legal gentlemen to compile a code of laws for the Republic of Texas.

An act authorising the auditors to discharge certain duties.

An act entitled an act to compel all government officers to receive the promissory notes of the government for all dues that may accrue to them in the discharge of the duties of their office.

An act to be entitled an act giving to the President the power to fill vacancies.

An act appropriating money to defray the expenses of the various departments of the government.

An act to authorise the President to appoint a private secretary.

An act to appropriate one million of dollars for the protection of the frontier and other purposes.

Joint resolution making an appropriation for the President's house.

Joint resolution making an appropriation for the purchase of a library for the Republic of Texas.

An act requesting the Treasurer to pay the salaries of clerks monthly.

An act amending the act entitled an act adopting a national seal and standard for the Republic of Texas. Approved 10th December, 1836.

An act supplementary to the several acts for reorganising the militia.

An act entitled an act to repeal certain parts of an act organising the inferior courts, and defining the powers and jurisdiction of the same.

An act entitled an act for the raising of certain troops therein named.

Joint resolution prescribing the mode of paying troops.

An act to incorporate the city of Houston, and other cities therein named.

An act entitled an act regulating attachments.

An act securing patent rights to inventors.

An act authorising the county and district courts to render judgments when the verdict of the jury is less than the jurisdiction of the same in certain cases.

An act amending an act supplementary to an act entitled an act to reduce into one act and amend the several acts relating to the establishment of a general land-office.

An act requiring the secretary of the navy to have surveyed the bars and passages of the bays and harbours of Texas.

Joint resolution to prevent clerks or deputy clerks from becoming administrators in certain cases.

An act declaring certain children legitimate therein named.

An act to require the plea of "*non est factum*" to be filed under oath in certain cases.

Joint resolution allowing pay for copying the journals of the Senate, for the fall and spring session of 1837 and 1838.

Joint resolution authorising the President to open a trade between the inhabitants of Western Texas and the Mexicans on the Rio Grande.

An act supplementary to an act incorporating the city of San Antonio, and other towns therein named.

An act to incorporate the towns of La Grange and Rutersville.

An act fixing the salary of the Texan minister at France.

Joint resolution appropriating fifteen thousand dollars for the Post-Office department.

An act changing the time of holding the county court of Shelby county and Jasper county.

An act entitled an act to define the duties of constables.

An act entitled an act to facilitate the adjustment of donation claims.

Joint resolution making a permanent seat of justice in Robertson county.

An act entitled an act to exempt certain property therein named from execution.

Joint resolution approving of the employment of friendly Indians in our service, and providing for their pay..

An act entitled an act to amend an act relative to Probate courts.

An act entitled an act for the establishing of a post route from San Augustine to Fort Caddo.

An act legalising the acts of the comptroller of the stock fund.

An act entitled an act making appropriations for the Naval service for the year 1839.

An act entitled an act to incorporate the Houston and Brazos railroad company.

An act entitled an act appropriating certain lands for the establishment of a general system of education.

An act entitled an act regulating the license and practice of attorneys.

An act to authorise the commissioner of the general land-office to employ two additional clerks.

An act supplementary to an act entitled an act to raise a revenue by direct taxation.

An act to establish and incorporate the college of De Kalb.

An act entitled an act to appoint commissioners to take charge of the property of those engaged in the late rebellion in the county of Nacogdoches, and for other purposes.

An act entitled an act defining dowers.

An act entitled an act for the collection of the amounts due on judgments of the supreme, district, and county courts.

Joint resolution requiring the secretary of the treasury to pay to the paymaster of the first regiment, second brigade, Texas militia, twenty thousand dollars, appropriated for men called for by General Rusk.

An act to change the time of holding the fall term of the district court in Harrisburg county, and to amend the thirty-second section of an act establishing the jurisdiction and powers of the district courts.

An act to create and establish the county of Harrison.

An act entitled an act for the permanent location of the seat of government.

An act to provide for the punishment of horse thieves.

Public Acts and Joint Resolutions passed by the Fourth Congress, commencing the 11th November, 1839.

An act to carry into effect the convention between Texas and the United States, for marking the boundary line between them. Approved 23rd Nov., 1839.

An act to define the boundaries of the county of Fannin. Approved 28th Nov., 1839.

An act designating the returnable officers of the senatorial district of Milam and Robertson counties. Approved 13th Dec., 1839.

An act for the appointment of assessing officers. Approved 13th Dec., 1839.

An act for the permanent location of the port of entry in the district of Aransas. Approved 13th Dec., 1839.

An act to incorporate the town of Beaumont. Approved 14th Dec., 1839.

An act granting an extension of time to certain officers in Robertson county. Approved 14th Dec., 1839.

An act to locate a road from Washington to the Sabine river. Approved 14th Dec., 1839.

An act better to define the boundaries of the county of Galveston. Approved 16th Dec., 1839.

An act to repeal in part an act entitled an act incorporating the city of San Antonio and other towns, approved 24th May, 1838. Approved 17th Dec., 1839.

Joint resolution to pay off the mail contracts for the year 1839. Approved 19th Dec., 1839.

Joint resolution establishing a mail route therein named, and to discontinue certain mail routes. Approved 18th Dec., 1839.

An act to provide for the more certain operations of the sinking fund, &c. Approved 19th Dec., 1839.

Joint resolution requiring the Postmaster-General not to contract for carrying the mail from Austin to Houston. Approved 21st Dec., 1839.

Joint resolution authorising James Hamilton to take the oath of allegiance, and to become a citizen of the republic of Texas. Approved 21st Dec., 1839.

An act to provide for the renewing of the security of county surveyors. Approved 25th Dec., 1839.

An act to incorporate the city of Austin. Approved 27th Dec., 1839.

An act appropriating five thousand dollars for the contingent expenses of both Houses of Congress. Approved 27th Dec., 1839.

An act to authorise Wiley Martin to emancipate his slave Peter. Approved 3rd January, 1840.

An act naming the returning officer for the senatorial district composed of the counties of Red River and Fannin. Approved 28th Dec., 1839.

An act supplementary to an act to have the seat of justice of Fannin county permanently located. Approved 28th Dec., 1839.

An act to amend the act of incorporation of the town of Velasco. Approved 1st Jan., 1840.

An act supplementary to an act for the incorporation of the town of Liberty. Approved 1st Jan., 1840.

An act to establish a mail route to Bexar. Approved 1st Jan., 1840.

An act to incorporate the trustees of the Union Academy, in the county of Washington. Approved 4th Jan., 1840.

A joint resolution for the survey and sale of the Austin town tract. Approved 6th Jan., 1840.

An act to amend the charter of the Brazos and Galveston railroad company. Approved 6th Jan., 1840.

An act providing for the erection of lighthouses. Approved 7th Jan., 1840.

An act to incorporate the town of Texana. Approved 14th Jan., 1840.

An act for the payment of persons for military services heretofore rendered. Approved 14th Jan., 1840.

An act supplementary to an act to amend the several laws regulating the post-office department. Approved 14th Jan., 1840.

An act to prescribe the method of proceeding to obtain the benefit of the writ of *habeas corpus*. Approved 14th Jan., 1840.

An act to prescribe the mode of appointing district attorneys,—fixing the term of their office, and their salaries and perquisites. Approved 14th Jan., 1840.

Joint resolution for the payment of the troops who served in the years 1838 and 1839. Approved 14th Jan., 1840.

An act authorising the President to have surveyed a reserve of land for the Coshatta and Alabama Indians. Approved 14th Jan., 1840.

An act defining the compensation of collectors of customs and of the clerks employed at the several custom-houses. Approved 16th Jan., 1840.

An act defining the time at which laws passed by Congress shall go into effect, and disclosing the manner in which the same shall be promulgated. Approved 16th Jan., 1840.

Joint resolution granting to the President power to appoint additional counsel, if necessary. Approved 16th Jan., 1840.

An act authorising Varlan Richardson to construct a bridge across the Gaudalupe river, at or near Victoria. Approved 18th Jan., 1840.

Joint resolution appropriating five thousand dollars to defray the expenses of marking the boundary line between Texas and the United States of the north. Approved 18th Jan., 1840.

An act to regulate interest. Approved 18th Jan., 1840.

An act to prevent frauds and fraudulent conveyances. Approved 18th Jan., 1840.

An act repealing part of the several acts for the permanent location of the seat of Government. Approved 21st Jan., 1840.

An act to adopt the common law of England, to repeal certain Mexican laws, and to regulate the marital rights of parties. Approved 21st Jan., 1840.

An act to dispense with the necessity of protesting negotiable instruments for dishonour, and of giving notice thereof, and to regulate assignments of all written instruments. Approved Jan. 25th, 1840.

An act to create the office of *chargé d'affaires*, and to regulate diplomatic intercourse with foreign nations. Approved Jan. 25th, 1840.

Joint resolution repealing certain mail routes therein named. Approved Jan. 25th, 1840.

An act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants. Vetoed by the President. Passed both houses by a constitutional majority, Jan. 29th, 1840.

An act to incorporate the Trinity coal and mining company. Approved Jan. 25th, 1840.

An act authorising the President to redeem prisoners from Indian captivity. Approved Jan. 25th, 1840.

Joint resolution appropriating three thousand ——— hundred and forty dollars and sixty cents, as indemnity for the capture and detention of the British schooner Eliza Russell. Approved Jan. 25th, 1840

An act providing for the better dissemination of the laws. Approved Jan. 25th, 1840.

An act to authorise Carey, a freeman of colour, to remain within the Republic of Texas. Approved Jan. 25th, 1840.

An act for the benefit of Albert Mitchell, a free boy of colour. Approved Jan. 25th, 1840.

An act to suppress duelling. Approved Jan. 28th, 1840.

An act defining lawful enclosures, and for other purposes. Approved Jan. 25th, 1840.

An act to define the boundaries of the county of Montgomery. Approved Jan. 25th, 1840.

An act to create a chamber of commerce in the cities of Matagorda and Houston. Approved Jan. 28th, 1840.

Joint resolution for the exchange or redemption of certain promissory notes. Approved Jan. 28th, 1840.

An act to authorise the erection of public buildings. Approved Jan. 28th, 1840.

An act concerning wills. Approved Jan. 28th, 1840.

An act to regulate the descent and distribution of intestates' estates. Approved Jan. 28th, 1840.

An act supplementary to an act providing for the payment of persons for military services heretofore rendered. Approved Jan. 14th, 1840, and better to define the duties of the first and second auditors.

Joint resolution for the appropriation of 6000 dollars, for payment of extra allowances, &c.

Joint resolution defining the rank of Paymaster-General.

An act to raise a company of mounted gunmen to be called Fannin Guards.

An act to compel the surveyors of the several counties of this Republic to make out and return maps of their respective counties.

An act to create a justice of the peace and constable for the lower part of Jasper county.

An act to prohibit the driving of cattle and hogs from the Cherokee country or killing the same therein.

An act to annex a part of Washington county to the county of Milam, and for other purposes.

An act to sectionise and sell the lands formerly reserved for and occupied by the Cherokee Indians.

To legalise acts of the old board of Land Commissioners in the county of Red River.

An act allowing discounts and sets-off.

An act to establish the method of trying the right of pro-

perty levied on by execution, when the property is claimed by any person not a party to such execution.

Joint resolution granting permission of absence to the judge of the third judicial district.

An act authorising the issuing duplicate land warrants, discharges and certificates.

An act to organise the several judicial districts, and to create the 6th and 7th.

An act to provide for the return of surveys for the collection of Government dues on land, and for other purposes.

An act to incorporate the Milam Guards in the city of Houston.

An act requiring retailers of spirituous liquors to pay license.

An act to suppress gaming.

An act to incorporate the city of Matagorda.

An act to prevent admissions made by an agent or attorney of the Republic from operating to the prejudice thereof.

An act to provide and establish the warehousing system in the ports of this Republic.

Joint resolution for the relief of the Postmaster-General, and heads of bureau.

An act to authorise the Treasurer to extend the issue of change notes.

An act supplementary to an act requiring county courts to regulate roads, &c.

An act to exempt certain lands from the payment of certain debts therein named.

Joint resolution defining the mode of proof where no muster-roll exists.

An act for the incorporation of the city of Galveston.

An act to incorporate the towns of Victoria, Goliad, and Gonzales.

An act concerning free persons of colour.

An act to amend an act regulating estrays. Passed Dec. 1836.

An act concerning slaves.

Joint resolution to authorise the Commissioners of the 5,000,000 dollar loan to raise money on pledge of a portion of the bonds.

An act to punish individuals concerned in making, selling, and locating fraudulent land certificates.

An act to provide for the payment of chief justices for organising the militia

An act making appropriations for the support of the Government for the year 1840

An act altering the several acts to raise a public revenue by import duties

An act to amend the act entitled an act regulating the license and practice of attorneys

An act for creating funds for the support of Government for the year 1840

Joint resolution requiring the Postmaster-General to contract for the transportation of the mail between the cities of Galveston and Houston twice in each week

An act concerning conveyancing

An act to punish swindling, and other offences therein named

Joint resolution appropriating money for defraying the expenses of supporting the Caddo Indians

An act supplementary to an act entitled an act to incorporate the City of Houston and other cities therein named

An act prohibiting the location of fraudulent land certificates

Joint resolution appropriating land for the establishment of a hospital

Joint resolution authorising the President to offer a reward of 1000 dollars for the arrest of any person who shall flee from justice

An act supplementary to an act providing for the payment of persons for military services

An act to enable part owners of land to obtain partition thereof, and for other purposes

An act to organise a certain part of the County of Liberty for judicial and other purposes

An act to provide a summary remedy to enable landlords or lessors to obtain possession of lands or tenements unlawfully detained or withheld by tenants

An act supplementary to an act to provide for the protection of the northern and western frontier

An act to provide the mode of trying titles to land.

An act regulating the duties of Probate Courts, and the settlement of successions

An act to incorporate the Galveston Insurance Company.

An act regulating the distribution of the laws and journals

An act defining the duties of the officers of the Treasury Department.

An act to raise a public revenue by direct taxation.

An act to provide for the redemption of the promissory notes of the Government, &c.

An act to provide for the running and marking the western line of the county of Travis.

An act to alter the time of holding the fall terms of the Courts in the 4th judicial districts.

An act concerning executions.

An act to amend and reduce into one act the several laws regulating the Post-Office department.

An act to regulate the proceedings in civil suits.

An act to fix the Navy establishment of the Republic of Texas.

An act in relation to common schools and academies, and to provide for securing the lands formerly appropriated for the purpose of education.

An act for the protection of the revenue, and other purposes.

Joint resolution requiring one company of regular troops to be stationed at or near Fort Houston.

Joint resolution appropriating funds to purchase blank land patents.

An act to amend an act to provide for the foreclosing of mortgages on real and personal estates, approved 15th May, 1838.

An act to repeal certain acts therein named.*

* The acts noted as "approved" have received the sanction of the President, and passed into law.

THE END.

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